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CANADA

Debates of the Senate

2nd SESSION

• 36th PARLIAMENT •

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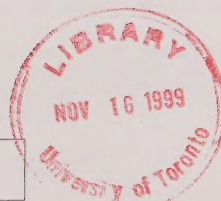
• NUMBER 1

OFFICIAL REPORT
(HANSARD)

Tuesday, October 12, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, October 12, 1999

THIRTY-SIXTH PARLIAMENT OPENING OF SECOND SESSION

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 11:30 a.m., the Speaker in the Chair.

Prayers.

COMMUNICATION FROM GOVERNOR GENERAL'S SECRETARY

The Hon. the Speaker informed the Senate that a communication had been received from the Secretary to the Governor General, as follows:

RIDEAU HALL

October 8, 1999

Mr. Speaker,

I have the honour to inform you that Their Excellencies, the Governor General and John Ralston Saul, will arrive at the Peace Tower at 14:30 on Tuesday, the 12th day of October, 1999.

When it has been indicated that all is in readiness, Their Excellencies will proceed to the Chamber of the Senate to formally open the Second Session of the Thirty-Sixth Parliament of Canada.

Yours sincerely,

Judith A. LaRocque
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[Translation]

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I would like to point out that there is no interpretation this morning.

Hon. Pierre Claude Nolin: Honourable senators, that is true. Is there a way to overcome this problem, because each of the speakers will otherwise have to use both official languages?

The Hon. the Speaker: Honourable senators, unfortunately, this is not possible, since this afternoon we will have the Speech from the Throne, and the chairs have neither earphones nor microphones. We can certainly ask everyone to speak in both official languages.

Senator Nolin: I am prepared to do so.

[English]

NEW SENATOR

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received a certificate from the Registrar General of Canada showing that J. Bernard Boudreau, P.C., has been summoned to the Senate.

INTRODUCTION

The Hon. the Speaker having informed the Senate that there was a senator without, waiting to be introduced:

The following honourable senator was introduced; presented Her Majesty's writ of summons; took the oath prescribed by law, which was administered by the Clerk; and was seated.

Hon. J. Bernard Boudreau, of Halifax, Nova Scotia, introduced between Hon. B. Alasdair Graham, P.C. and Hon. John B. Stewart.

The Hon. the Speaker informed the Senate that the honourable senator named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

The Senate adjourned until 2:30 p.m.

SECOND SITTING

The Senate met at 2:30 p.m., the Speaker in the Chair.

The Hon. the Speaker: As there is no business before the Senate, is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

The Senate adjourned during pleasure.

• (1440)

SPEECH FROM THE THRONE

At 2:45 p.m. Her Excellency the Governor General proceeded to the Senate Chamber and took her seat upon the Throne. Her Excellency was pleased to command the attendance of the House of Commons, and, that House being come, with their Speaker, Her Excellency was then pleased to open the Second Session of the Thirty-sixth Parliament of Canada with the following speech:

Honourable Members of the Senate,

Members of the House of Commons,

Ladies and Gentlemen:

It is an honour for me, today, to open this Second Session of the Thirty-Sixth Parliament of Canada. I appreciate having the opportunity so early in my mandate to represent the Queen as one of the three elements of Parliament. It is a responsibility which I take seriously, and I intend to follow your deliberations closely.

[Translation]

Unlike my immediate predecessors, I have not had the privilege of serving among you. I do, however, value highly the role that you play and the dedication that you show in making this remarkable institution work effectively as the centrepiece of the Canadian democratic system. I am very aware of the sacrifices that so many of you make in your personal and professional lives in accepting the challenges of public office. The commitment you have made is one that I share, and I look forward to working with you over the next five years in the service of the people of Canada.

[English]

Today, the representatives of the Canadian people gather to open the session of Parliament that will carry the country into the new millennium.

We stand before a new century confident in the promise of Canada for our children and grandchildren. Technology is altering every aspect of our lives. Knowledge and creativity are now the driving force in a new economy. And collaboration is becoming more essential as the issues facing our diverse society grow in their complexity. But Canadians will succeed in this changing world, just as we have succeeded throughout our country's history.

The promise of Canada was born in an age when countries were forged through war or revolution. Our nation's founders chose a unique path, which has become the Canadian way — creating a country dedicated to peace,

order and good government for all its citizens. It took foresight and commitment to break the mould of the nation-state founded on a single language, culture or religion. That foresight and commitment have been greatly rewarded.

Canada began as a small colony with little industry and no role of its own in global affairs. Over generations, individual Canadians built a better future for their families and their communities. Canadians and their governments overcame barriers of distance and a harsh northern climate to build a national railway, a system of highways, a postal service, and national cultural institutions, as well as hospitals, universities, and other institutions. Canadians and their governments also put in place a modern social safety net. Together, these achievements have provided the foundation for our quality of life.

Within a few generations, we evolved into an independent nation with an advanced industrialized economy and a voice in the councils of the world: the United Nations, the G-8, the Organisation for Economic Co-operation and Development, NATO, and many others. Canada is now serving its sixth elected term on the United Nations Security Council.

Ours is a voice for peace. Canada was the first to propose the use of troops for peacekeeping. Today, Canadians are keeping the peace in many countries around the world. But whenever tyranny has threatened peace and security, Canadians have never hesitated to answer the call. Together with our proud Canadian veterans, we remember those who paid with their lives at Vimy Ridge, on Juno Beach, and at Hill 355 in Korea.

[Translation]

In the tradition of the *coureurs des bois*, we have explored the frontiers of science. From the invention of newsprint to the creation of advanced computer languages, Canadian ingenuity has helped to build the information age. From the discovery of insulin to the earliest pacemaker, Canadians have given new life to millions around the world. Canada was a pioneer in the peaceful use of space, becoming a leader in satellite communications and remote-sensing technologies. Today, our astronauts are using Canadian technology to help assemble the International Space Station — the largest scientific project in history.

In a complex world, diverse approaches, skills and ideas are essential to building a higher quality of life. Canada is a bilingual country in which both men and women of many different cultures, races and religions participate in economic, social and political life. Our diversity is a source of strength and creativity, making us modern and forward-looking.

[English]

Our actions and our history make us at home in a world of change and increasing interdependence. Our human talent, our values and our commitment to working together will secure Canada's leadership in the knowledge-based economy.

Today, Canadians can look with pride on Canada's success. We have a dynamic economy, a strong and democratic society, and a sense of community. We are recognized throughout the world for our quality of life. We will build a higher quality of life for all Canadians — for our children, ourselves, and our neighbours.

A STRONG AND UNITED CANADA

A high quality of life for Canadians and a strong, united Canada are inseparable. The Government will continue to take a comprehensive approach to strengthening the unity of our country. All its actions will serve to strengthen Canada by enhancing the quality of life of Canadians.

Our federal system allows us to value the different strengths of each region of our country. It guarantees all citizens equal rights and freedoms. And it enables Canada's wealth to be shared by all citizens no matter where they live — from Newfoundland in the east, to British Columbia in the west, to our newest territory, Nunavut, in the north.

[Translation]

Over the last two Parliaments, Canadians have built a foundation for even greater success. Our economy is strong. Our citizens enjoy expanding opportunities and increasing choices. Our artists, writers, musicians and filmmakers draw admiration from around the world. And Canada itself earns the respect of the community of nations as a symbol of peace, democracy and compassion.

The best way to achieve the promise of Canada for every citizen is to work together to build the highest quality of life for all Canadians. But there are some who would pull us apart rather than bring us together. Even though Quebecers do not want a third referendum, the Government of Quebec continues to talk about holding another one. The Government of Canada therefore reaffirms the commitment it has made to Quebecers and all other Canadians that the principle of clarity, as set out by the Supreme Court of Canada, will be respected.

To seize the opportunities and meet the challenges of a new global economy, we must work together in the Canadian way and concentrate on what matters most to Canadians. We must take bold steps today to make Canada even stronger in the next century. This requires national will, national strategies and partnerships across the country. Citizens and governments must collaboratively build an

even stronger and more united Canada, a Canada that remains an example to the world.

[English]

Canadians expect their national government to focus on areas where it can and must make a difference. And they want this done in the Canadian way — working together, balancing individual and government action, and listening to citizens. Canadians expect their Government to be fiscally prudent, to reduce the debt burden, to cut taxes, and to pursue the policies necessary for a strong society. The emerging global marketplace offers an enormous opportunity to create more Canadian jobs, more Canadian growth and more Canadian influence in the world. It provides expanding opportunities to secure a higher quality of life for all Canadians. To seize these opportunities, we must build on our strengths.

Achieving a higher quality of life requires a comprehensive strategy to accelerate the transition to the knowledge-based economy, promote our interests and project our values in the world. Together, we will strive for excellence. This demands that we collaborate with our partners to:

- develop our children and youth, our leaders for the 21st century;
- build a dynamic economy;
- strengthen health and quality care for Canadians;
- ensure the quality of our environment;
- build stronger communities;
- strengthen the relationship with Canada's Aboriginal peoples; and
- advance Canada's place in the world.

CHILDREN AND YOUTH: OUR LEADERS FOR THE 21ST CENTURY

Our Children

Because of the changing nature of the world economy, the prospects for a high quality of life in any country will depend — as never before — on having a population that is adaptable, resilient and ready to learn throughout life. The foundation for this is laid in the very early years. No commitment we make today will be more important for the long-term prosperity and well-being of our society than the commitment to invest our efforts in very young children. Parents and families have the primary responsibility for the care of their children. But all of society must work together to ensure that our children develop the abilities to succeed.

The Government will extend and make more accessible Employment Insurance benefits for parental leave, to help parents take more time from work to spend with their children. It will make its own workplace policies and those of federally regulated employers more family friendly. Through further tax relief, it will put more dollars in the hands of families with children. And, with its provincial and territorial partners, it will work to reform family law and strengthen supports provided to families to ensure that, in cases of separation or divorce, the needs and best interests of children come first.

Federal, provincial and territorial governments are developing together the National Children's Agenda. As part of this work, it is the Government's objective to reach an agreement among governments by December 2000 on a national action plan to further support parents and families. This plan will be consistent with the Social Union Framework Agreement. It will set out common principles, objectives and fiscal parameters for all governments to increase resources and further strengthen supports for early childhood development.

To make it easier for families to break the cycle of poverty, the federal, provincial and territorial governments also established the National Child Benefit. The Government of Canada is already investing an additional \$1.7 billion annually in low-income families with children, while the provinces and territories are investing in complementary services. The Government wants no family to have to choose between a job and benefits for their children. Therefore, by 2002, the Government will make a third significant investment in the National Child Benefit, while seeking a commitment from its provincial and territorial partners to increase their investment in services for families with children.

Young Canadians

Young Canadians are the leaders of tomorrow. Already, they are at home in the wired world. They have energy, ideas and technological savvy, and they want to contribute to building their country in the 21st century. In our global and connected world, young Canadians are acquiring knowledge and skills at an earlier age. They deserve more and earlier opportunities to get involved, develop their talents and expand their skills. In doing so, they will become active and engaged citizens.

The Government will focus on providing young people with more opportunities to connect to the Canadian experience, to view their country in all its splendour, to gain a first-hand understanding of the different regions, and to be

challenged by what they learn from their fellow citizens across this land. The Government will:

[Translation]

- draw on the expertise of young Canadians to help connect rural and urban communities to the information highway, by hiring them to put in place additional Internet access sites for public use;
- create a single-window service — Exchanges Canada — to give 100,000 young Canadians every year the chance to learn about another part of the country;
- ensure that younger Canadians — from age 13 — are given an opportunity to apply their creative abilities, by providing them with a chance to produce their "first works" using traditional approaches and new technologies in the arts, cultural, digital and other industries;
- actively engage tens of thousands of young Canadian volunteers to participate in community and national environmental projects and to help others improve their literacy skills; and
- enable young Canadians to apply their energy and talents overseas, by participating in international internship programs and helping developing countries get connected to the Internet.

In addition, the Government will continue to place a priority on providing young Canadians with career information, access to work experience, and learning opportunities.

[English]

A DYNAMIC ECONOMY FOR THE 21ST CENTURY

In the global, knowledge-based economy, the advantage goes to countries that are innovative, have high levels of productivity, quickly adopt the latest technology, invest in skills development for their citizens, and seek out new opportunities around the world.

Canadians have built a strong and dynamic economy. It is the cornerstone of our quality of life — providing Canada with the means to continue building a more equitable society, a healthier population, and stronger communities. In the space of only a few years, our nation's finances have gone from deficits and debt to balanced budgets, with low inflation and low interest rates. Laws and regulations have been modernized and the role of government in business decisions has been reduced.

The Government will continue to build a better environment for economic growth and enhanced productivity by reducing the debt burden, cutting taxes, and making strategic investments. Such investments will help small businesses grow, encourage trade, support citizens in developing the skills they need, and ensure that Canada has modern infrastructure.

The Government is committed to prudent fiscal management. It will never let the nation's finances get out of control again. It will keep the ratio of debt to GDP on a permanent downward track. It will deliver on the commitment it made at the beginning of this Parliament to devote half the budget surplus to debt repayment and tax relief, and the other half to investments that address the social and economic needs of Canadians.

Lower Taxes

As the nation's finances have improved, the Government has begun to deliver broad-based tax relief — totalling \$16.5 billion over three years. As the nation's finances continue to improve, the Government will further reduce taxes to increase the disposable income of Canadians, enhance innovation and risk taking, and create a more robust economy.

Tax reduction is a key component of a strategy to increase individual incomes and to ensure an economy that produces the growth and wealth which enable those public and private investments necessary for a high quality of life.

In its next budget, the Government will set out a multi-year plan for further tax reduction.

[Translation]

Increased Trade and Investment

Canada's economy is more open than any of the leading industrialized countries. We are blessed with a population that comes from countries all over the world. Foreign markets for our goods and services provide us with new opportunities. Foreign investment provides us with capital, new ideas, new technologies, and innovative business practices.

To build on Canada's advantage, the Government will increase its trade promotion in strategic sectors with high export potential — sectors ranging from biotechnology and environmental and information technology to tourism, culture and health. It will also continue to support innovation and the development of new technologies in leading export sectors such as agriculture, agri-food and natural resources.

It will launch Investment Team Canada — a co-ordinated effort by all governments and the private sector to make the

international community more aware of the unique opportunities for investment and growth in Canada. The Government will also modernize legislation to make it easier for global corporations to locate their headquarters in Canada.

The Government will use the upcoming round of World Trade Organization negotiations, including those on agriculture, to help build a more transparent, rules-based global trading system — one that ensures a level playing field, provides better access to world markets for Canadian companies in all sectors, and respects the needs of Canadians, our culture, and the environment. In addition, the Government will work with its partners in the hemisphere toward the establishment of the Free Trade Area of the Americas by 2005.

[English]

Skills and Knowledge for the 21st Century

A skilled workforce and a capacity to innovate continuously are crucial building blocks of a successful 21st century economy.

Over the last three years, the Government has put in place a strategy to build on Canada's advantage as the country with the most highly educated workforce in the world. It has made it easier to save for a child's education. It will make college and university more affordable through Canada Millennium Scholarships. It has improved student debt relief and provided better tax assistance to finance lifelong learning.

We will continue to build on this strategy. The Government will forge partnerships with other governments, public- and private-sector organizations, and Canadian men and women to establish a national action plan on skills and learning for the 21st century. This plan will focus on lifelong learning, address the challenge of poor literacy among adults, and provide citizens with the information they need to make good decisions about developing their skills.

Over the next two years, the Government will work with its partners to:

- enable skills development to keep pace with the evolving economy. This work will be led by the Sectoral Councils, which bring together representatives from business, labour, education and other professional groups to address human resource issues in important areas of the Canadian economy;
- make it easier for Canadians to finance lifelong learning; and

- provide a single window to Canada-wide information about labour markets, skills requirements and training opportunities — on the Internet, over the telephone or in person in communities across the country.

To ensure that the Public Service of Canada remains a strong, representative, professional and non-partisan national institution that provides Canadians the highest quality service into the 21st century, the Government will also focus on the recruitment, retention and continuous learning of a skilled federal workforce.

Infrastructure for the 21st Century

For Canada to generate jobs, growth and wealth, it must have a leading, knowledge-based economy that creates new ideas and puts them to work for Canadians. To do this, it is essential to connect Canadians to each other, to schools and libraries, to governments, and to the marketplace — so they can build on each other's ideas and share information. Achieving this objective will require new types of infrastructure.

Knowledge Infrastructure

Improving Canada's knowledge infrastructure means supporting a new generation of leaders, attracting the best researchers, and encouraging our graduates to put their talents to work here at home.

The Government will introduce the legislation necessary to create the Canadian Institutes of Health Research. These institutes will provide a model for world-leading research, bringing together for the first time all the researchers who have an impact on health to undertake shared research priorities. This innovative approach recognizes the importance of collaborative research for improving the health and well-being of Canadians and for building a high-quality health system.

The Government of Canada has for many years been one of the most important contributors to research at Canadian universities. In the last two years, the Government has pursued an ambitious agenda to improve its support for advanced research in Canada. To build on this agenda, the Government will:

- increase its support to the Granting Councils, enabling them to forge new partnerships with our universities to attract the best research minds in the world through an innovative program of 21st Century Chairs for Research Excellence;
- foster greater international research collaboration by Canadian universities and institutes and expand

Canadian expertise in such areas as genomics, climate change, and advanced engineering; and

- find new markets for new products and services developed through research by universities and government research centres.

The Government will also ensure that it has a modern and effective research and science capacity to promote the health, safety and economic well-being of Canadians.

Information Infrastructure

Improving Canada's information infrastructure will support the exchange of ideas and the conduct of business over computer networks, connect Canadians to the information highway, and accelerate the adoption of electronic commerce. The Government will:

- take steps to make Canada a centre of excellence for electronic commerce and encourage its use throughout the economy;
- re-introduce legislation to protect personal and business information in the digital world and to recognize electronic signatures; and
- provide increased access to high-speed Internet service for classrooms and libraries and stimulate the production of Canadian multimedia learning content and applications. This will build on the success of SchoolNet.

The Government will become a model user of information technology and the Internet. By 2004, our goal is to be known around the world as the government most connected to its citizens, with Canadians able to access all government information and services on-line at the time and place of their choosing. We will build on a pilot project now under way to make www.access.ca a personal gateway to government information and community content on the Internet, and we will encourage all Canadians to make use of this address.

Our knowledge-based economy is more than high-tech companies. It is an economy in which all sectors strive to use leading technologies and processes. It is an economy in which old barriers to access or of distance matter less — where technology enables urban and rural communities from the Atlantic to the West to the North to compete globally, and where technology opens new doors to all Canadians. It is an economy in which rural Canada also benefits from value-added activity, environmentally astute land management, and new job skills and opportunities. It is an economy in which clusters of technology development

already exist in smaller communities all over Canada. Indeed, it is an economy in which technology can lead to greater economic stability for the primarily rural regions in which cyclical resource industries — agriculture, fisheries, forestry, mining and tourism — are the dominant sources of wealth. The Government will encourage the development and adoption of new technologies in all sectors.

[Translation]

Cultural Infrastructure

The strength of Canada is reflected in its rich diversity. Across this country, Canada's culture comes alive through our writers, singers and performers, through our filmmakers and artists, and through those who chronicle our history and preserve our heritage.

New technologies offer new opportunities to strengthen the bonds between Canadians. The Government will bring Canadian culture into the digital age, linking 1,000 institutions across the country to form a virtual museum of Canada. It will put collections from the National Archives, National Library and other key institutions on-line. It will also increase support for the production of Canadian stories and images in print, theatre, film, music and video. In particular, it will increase support for the use of new media.

[English]

Physical Infrastructure

Canada must also continue to improve its physical infrastructure for the 21st century. To increase trade and economic growth, we must ensure that we have the capacity to move people and goods safely and efficiently. To maintain the quality of life in our cities and rural communities, we must ensure that we have clean air and water.

The Government will work with other levels of government and the private sector to reach — by the end of the year 2000 — agreement on a five-year plan for improving physical infrastructure in urban and rural regions across the country. This agreement will set out shared principles, objectives and fiscal parameters for all partners to increase their resources directed toward infrastructure. It will focus on areas such as transport, tourism, telecommunications, culture, health and safety, and the environment.

HEALTH AND QUALITY CARE FOR CANADIANS

Good health and quality care are essential to the well-being of all Canadians and are part of our strength in today's global marketplace. Advances in technology, research and information are opening tremendous new

opportunities for improving the health and well-being of citizens.

Canadians expect their governments to work together to ensure that Canada's health care system is modern and sustainable. The Government recently reaffirmed its commitment to medicare by investing an additional \$11.5 billion to modernize the health system for the beginning of the 21st century. The Government will continue to move forward with its provincial and territorial partners and the health care community on common priorities.

With its partners, the Government will support the testing of innovations in integrated service delivery in areas such as home care and pharmacare, working toward a health system in which all parts operate seamlessly. As the results of these innovations become available, we will be better able to make informed decisions about the next significant investments in health — ensuring that our health system meets the evolving needs of all Canadians.

[Translation]

A modern health information system will give health professionals and individual citizens improved access to up-to-date information about health issues and treatment options. The Government will ensure that citizens in every region of the country have access to such information so they can make better-informed decisions.

The Government will protect the health of Canadians by strengthening Canada's food safety program, by taking further action on environmental health issues, including the potential health risks presented by pesticides, and by modernizing overall health protection for a changing world.

We will also continue to address the serious health problems in Aboriginal communities, supporting their efforts to promote wellness and to strengthen the delivery of health services.

[English]

THE QUALITY OF OUR ENVIRONMENT

The long-term economic and social well-being of every Canadian depends on the state of our natural environment. Canada's ability to adopt innovative environmental practices and technologies will increasingly be part of Canada's strength in the 21st century.

Canadians have long recognized the underlying relationship between a healthy environment and a high quality of life. Canadians and leading businesses are already working in their own communities to preserve the natural environment, pushing the frontiers and opportunities of environmental technologies and new eco-efficient practices.

The quality of the environment in our communities is also linked to the environmental health of other communities around the world. Problems such as climate change and dangerous levels of persistent toxins can be resolved only through concerted international action.

Within Canada, the Government will work with other governments and citizens to meet our country's commitment under the Kyoto Protocol to reduce greenhouse gas emissions. It will set and enforce tough pollution standards, in particular to better protect the health of children, seniors and residents of the North. It will place greater emphasis on sustainable development in government decision making. It will also address the structural weaknesses that have been identified in the management of toxic substances. Internationally, Canada will provide technical assistance to developing countries in adopting sustainable practices.

The Government will introduce legislation and stewardship programs, working with provinces and territories to ensure that species at risk and their critical natural habitat are protected. The Government will also continue to extend Canada's national parks system.

In its own operations, the Government will make itself a model of environmental excellence. It will do more to clean up contaminated federal sites. It will strengthen its capacity for conducting environmental science research. It will also explore new environmental clean-up technologies.

The Government will report regularly on the results achieved in addressing the top environmental concerns of Canadians.

BUILDING STRONGER COMMUNITIES

Working Together

Our history has been one of Canadians helping Canadians to seize opportunities and rise to challenges. This commitment to working together — by Canadians, their governments and their communities — will ensure Canada's continued success in addressing the complex issues of the 21st century.

The Social Union Framework Agreement, reached earlier this year, is a commitment by governments to work together for Canadians. It calls for governments to report publicly on the effectiveness of social programs. It also commits governments to eliminating barriers that unjustifiably impede the mobility of citizens within Canada. These barriers include rules that prevent some citizens from obtaining recognition of their qualifications when they move to another province, that deny some students use of their student loans when they study out-of-province, and that restrict access to essential services for some citizens — including those with disabilities — because of their

province of origin. The Government of Canada is committed to working together with its partners to meet the deadlines set out in the Social Union Framework Agreement, thereby removing all unjustifiable barriers to mobility no later than 2002.

In 2001, Canadians will mark the International Year of Volunteers — a time to celebrate the achievements of Canada's everyday heroes. The Government recognizes the need to build partnerships with communities and to renew its relationship with the voluntary organizations that serve and sustain them. The Government will enter into a national accord with the voluntary sector, laying a new foundation for active partnership with voluntary organizations in the service of Canadians.

[Translation]

Strong communities depend on the participation of all their members. To this end, the Government will pursue its efforts with other governments, the private and voluntary sectors, and all citizens to build communities in which Canadians with disabilities are fully included and in which new Canadians feel more at home.

In addition, the Government will continue working with its partners in all sectors to address the root causes of homelessness and help communities respond to their members' needs for shelter and other support.

Promoting Safer Communities

Canadians are justifiably proud of having built communities where citizens feel safe. This is a key component of our quality of life and a contributor to Canada's comparative advantage.

The Government will work with Canadians to ensure that our communities continue to be safe. Its focus will be balanced, combining prevention and a community-centred approach with action to deal with serious crime. It will expand the community-based crime prevention strategy and re-introduce legislation to reform the youth justice system. The Government will combat drug trafficking while helping communities aid those most affected. It will also launch a program of restorative justice to help victims overcome the trauma of crime and provide non-violent offenders with a chance to help repair the damage caused by their actions.

[Translation]

The Government will focus attention on new and emerging threats to Canadians and their neighbours around the world. It will work to combat criminal activity that is becoming increasingly global in scope, including money laundering, terrorism, and the smuggling of people, drugs and guns.

The Government will strengthen the capacity of the RCMP and other agencies to address threats to public security in Canada and work with enforcement agencies in other countries. In addition, it will work to modernize legislation to better ensure public security.

[English]

The Government of Canada will also continue to work closely with the Government of the United States to modernize our shared border for the 21st century.

A STRONGER RELATIONSHIP WITH CANADA'S ABORIGINAL PEOPLES

The contribution of Canada's Aboriginal peoples has shaped our country's heritage and will continue to enrich Canada in the new century. The Government will continue to build on the strong foundation of reconciliation and renewal created by *Gathering Strength — Canada's Aboriginal Action Plan*.

We are now building stronger partnerships with Aboriginal people — concentrating on improving their living conditions and, increasingly, on strengthening their economies. As a result, Aboriginal people will be able to more fully participate in and contribute to Canada's economic development and social well-being.

Fostering good government and strong accountability in First Nations communities will increase investor confidence, support economic partnerships, and improve living conditions. Land claim agreements, in particular, are essential to create certainty for Aboriginal people and their surrounding communities — providing the climate needed for partnerships, investments and economic opportunities. Early in the new session of Parliament, the Government will introduce legislation to implement the historic agreement with the Nisga'a.

CANADA'S PLACE IN THE WORLD

As we move into the 21st century, Canada has the momentum to lead the way toward a safer and more secure world. Canadians have built the highest quality of life in the world by focussing on the needs of people. We have the expertise to advance an agenda of human security — protecting people from threats to their rights, their safety and their lives.

Canada is an outward-looking country, with a trade-oriented economy and a population drawn from every corner of the globe. We have a reputation internationally for making a difference — through our contribution to eliminating landmines, our work with NATO and the United Nations in Kosovo, our development assistance to Asia and Africa, our efforts to establish the International Criminal

Court, and our work to renew the international financial system.

As the Cold War recedes into the past, there is a greater need to complement national security with an approach that addresses the growing challenges that undermine the security of individuals. Human security is challenged when children are used as soldiers in combat, when citizens are denied their rights, when civilians are caught in conflict, and when people are the victims of economic crisis, natural disaster, widespread disease, or environmental degradation.

Canadians recognize that their quality of life depends in part on the quality of life of their neighbours — those who share this planet with us. A world where people are secure is a world where fewer people are forced to flee their homes, where there is less crime and terrorism, and where there is a reduced threat of disease and pollution.

The Government will give increased prominence to human security in its foreign policy, working to achieve meaningful progress in the councils of the world on a global human security agenda.

[Translation]

In 2001, the United Nations General Assembly will hold a special session on children. In the spirit of partnership that led to the historic treaty banning landmines, the Government will work to reach key international agreements to protect the rights of children. Canada will champion efforts to eliminate the exploitation of children, including the use of child soldiers in armed conflict, and will help address the crisis of children affected by the HIV/AIDS epidemic.

The Government will act with like-minded countries to reform and strengthen international institutions such as the United Nations, International Monetary Fund, World Bank and World Trade Organization. It will also work to develop a new approach internationally to support the diversity of cultural expression in countries around the world.

To advance Canada's leadership in the Arctic region, the Government will outline a foreign policy for the North that enhances co-operation, helps protect the environment, promotes trade and investment, and supports the security of the region's people.

The Government will increase international development assistance and work in innovative ways to enable poor countries to improve the quality of life of their citizens.

The Government will also continue to ensure that the Canadian Forces have the capacity to support Canada's role in building a more secure world and will further develop the capacity of Canadians to help ensure peace and security in foreign lands.

[English]

HONOURING CANADA'S PROMISE FOR THE 21ST CENTURY

As we prepare to celebrate the turn of the millennium, we can look to our past with pride and to our future with confidence. Like previous generations, we will face new challenges. But guided by our values and our collective experience, we can ensure that Canada remains the best place in the world in which to live — the best place to raise children, to learn, to pursue opportunity, to share in rich, diverse and safe communities, and to admire the beauty of nature.

All Canadians — every citizen, every government, every business and every community organization — have a part to play. We will build the 21st century together.

[Translation]

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

[English]

Honourable Members of the Senate and

Members of the House of Commons:

As the representatives of the Canadian people across this great land, yours is a special duty — a higher responsibility to strive for excellence in the service of your country.

Let the Canadians of tomorrow look upon this Parliament and say, Here were men and women committed to building a stronger Canada and a better quality of life for their children and grandchildren.

May Divine Providence guide you in your deliberations.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

RAILWAYS BILL

FIRST READING

Hon. Dan Hays (Deputy Leader of the Government)
presented Bill S-1, relating to railways.

Bill read first time.

SPEECH FROM THE THRONE

CONSIDERATION AT NEXT SITTING

The Hon. the Speaker: Honourable senators, I have the honour to inform you that Her Excellency the Governor General has caused to be placed in my hands a copy of her Speech delivered this day from the Throne to the two Houses of Parliament. It is as follows —

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, when shall this Speech be taken into consideration?

Hon. Dan Hays (Deputy Leader of the Government)
moved:

That the Speech of Her Excellency the Governor General, delivered this day from the Throne to the two Houses of Parliament, be taken into consideration at the next sitting of the Senate.

Motion agreed to.

COMMITTEE OF SELECTION

APPOINTMENT

Hon. Dan Hays (Deputy Leader of the Government)
moved:

That pursuant to rule 85(1), the Honourable Senators Atkins, Austin, DeWare, Fairbairn, Grafstein, Kinsella, Kirby, Mercier, and Murray be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore*; and (b) the Senators to serve on the several select committees during the present Session; and to report with all convenient speed the names of the Senators so nominated.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Marcel Prud'homme: No.

Motion agreed to, on division.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE J. BERNARD BOUDREAU, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STANTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

RICHARD GREENE

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(October 12, 1999)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Industry
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. George Baker	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. J. Bernard Boudreau	Leader of the Government in the Senate
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Western Economic Diversification) and Francophonie
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)

SENATORS OF CANADA ACCORDING TO SENIORITY

(October 12, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Philip Derek Lewis	St. John's	St. John's, Nfld.
Reginald James Balfour	Regina	Regina, Sask.
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ontario	Ottawa, Ont.
William McDonough Kelly	Port Severn	Mississauga, Ont.
Leo E. Kolber	Victoria	Westmount, Que.
John B. Stewart	Antigonish-Guysborough	Bayfield, N.S.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Michel Cogger	Lauson	Knowlton, Que.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Golfe	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	New Brunswick	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	New Brunswick	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgetown, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Normand Grimard	Quebec	Noranda, Que.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Berntson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Jean-Claude Rivest	Stadacona	Quebec, Que.
Ronald D. Ghitter	Alberta	Calgary, Alta.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Fernand Roberge	Saurel	Ville Saint-Laurent, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	New Brunswick	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Newfoundland	North West River, Labrador, Nfld.
Lorna Milne	Ontario	Brampton, Ont.
Marie-P. Poulin	Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Ville Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Léonce Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Calvin Woodrow Ruck	Dartmouth	Dartmouth, N.S.
Richard H. Kroft	Winnipeg	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
Ione Christensen	Yukon	Whitehorse, Yukon Territory
George Furey	Newfoundland	St. John's, Nfld.
Melvin Perry Poirier	Prince Edward Island	St. Louis, P.E.I.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
J. Bernard Boudreau, P.C.	Nova Scotia	Halifax, N.S.

SENATORS OF CANADA

ALPHABETICAL LIST

(October 12, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Adams, Willie	Nunavut	Rankin Inlet, Nunavut
Andreychuk, A. Raynell	Regina	Regina, Sask.
Angus, W. David	Alma	Montreal, Que.
Atkins, Norman K.	Markham	Toronto, Ont.
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.
Bacon, Lise	De la Durantaye	Laval, Que.
Balfour, Reginald James	Regina	Regina, Sask.
Beaudoin, Gérald-A.	Rigaud	Hull, Que.
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.
Bolduc, Roch	Golfe	Sainte-Foy, Que.
Boudreau, J. Bernard, P.C.	Nova Scotia	Halifax, N.S.
Bryden, John G.	New Brunswick	Bayfield, N.B.
Buchanan, John, P.C.	Nova Scotia	Halifax, N.S.
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.
Carstairs, Sharon	Manitoba	Victoria Beach, Man.
Chalifoux, Thelma J.	Alberta	Morinville, Alta.
Christensen, Ione	Yukon Territory	Whitehorse, Yukon Territory
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.
Cogger, Michel	Lauzon	Knowlton, Que.
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.
Cook, Joan	Newfoundland	St. John's, Nfld.
Cools, Anne C.	Toronto-York	Toronto, Ont.
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.
DeWare, Mabel Margaret	New Brunswick	Moncton, N.B.
Di Nino, Consiglio	Ontario	Downsview, Ont.
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.
Eyton, J. Trevor	Ontario	Caledon, Ont.
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.
Finestone, Sheila, P.C.	Montarville	Montreal, Que.
Finnerty, Isobel	Ontario	Burlington, Ont.
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.
Forrestall, J. Michael	Dartmouth and Eastern Shore	Dartmouth, N.S.
Fraser, Joan Thorne	De Lorimier	Montreal, Que.
Furey, George	Newfoundland	St. John's, Nfld.
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.
Ghitter, Ronald D.	Alberta	Calgary, Alta.
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.
Grimard, Normand	Quebec	Noranda, Que.
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.
Hays, Daniel Phillip	Calgary	Calgary, Alta.
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.
Joyal, Serge, P.C.	Kennebec	Montreal, Que.
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.
Kelly, William McDonough	Port Severn	Mississauga, Ont.
Kenny, Colin	Rideau	Ottawa, Ont.
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.

Senator	Designation	Post Office Address
THE HONOURABLE		
Kinsella, Noël A.	New Brunswick	Fredericton, N.B.
Kirby, Michael	South Shore	Halifax, N.S.
Kolber, Leo E.	Victoria	Westmount, Que.
Kroft, Richard H.	Winnipeg	Winnipeg, Man.
Lavoie-Roux, Thérèse	Quebec	Montreal, Que.
Lawson, Edward M.	Vancouver	Vancouver, B.C.
LeBreton, Marjory	Ontario	Manotick, Ont.
Lewis, Philip Derek	St. John's	St. John's, Nfld.
Losier-Cool, Rose-Marie	New Brunswick	Bathurst, N.B.
Lynch-Staunton, John	Grandville	Georgeville, Que.
Maheu, Shirley	Rougemont	Ville Saint-Laurent, Que.
Mahovlich, Francis William	Toronto	Toronto, Ont.
Meighen, Michael Arthur	St. Marys	Toronto, Ont.
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Que.
Milne, Lorna	Ontario	Brampton, Ont.
Molgat, Gildas L. Speaker	Ste-Rose	Winnipeg, Man.
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.
Nolin, Pierre Claude	De Salaberry	Quebec, Que.
Oliver, Donald H.	Nova Scotia	Halifax, N.S.
Pearson, Landon	Ontario	Ottawa, Ontario
Pépin, Lucie	Shawinigan	Montreal, Que.
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.
Perry Poirier, Melvin	Prince Edward Island	St. Louis, P.E.I.
Pitfield, Peter Michael, P.C.	Ontario	Ottawa, Ont.
Poulin, Marie-P.	Northern Ontario	Ottawa, Ont.
Poy, Vivienne	Toronto	Toronto, Ont.
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.
Rivest, Jean-Claude	Stadacona	Quebec, Que.
Roberge, Fernand	Sauvel	Ville Saint-Laurent, Que.
Robertson, Brenda Mary	Riverview	Shediac, N.B.
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Robichaud, Louis-J., P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Roche, Douglas James	Edmonton	Edmonton, Alta.
Rompkey, William H., P.C.	Newfoundland	North West River, Labrador
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.
Ruck, Calvin Woodrow	Dartmouth	Dartmouth, N.S.
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Sibbeston, Nick	Northwest Territories	Fort Simpson, N.W.T.
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.
Spivak, Mira	Manitoba	Winnipeg, Man.
Stewart, John B.	Antigonish-Guysborough	Bayfield, N.S.
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.
Stratton, Terrance R.	Red River	St. Norbert, Man.
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.
Tkachuk, David	Saskatchewan	Saskatoon, Sask.
Watt, Charlie	Inkerman	Kuujuuaq, Que.
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(October 12, 1999)

ONTARIO—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ontario	Ottawa
4	William McDonough Kelly	Port Severn	Missassauga
5	Jerahmiel S. Grafstein	Metro Toronto	Toronto
6	Anne C. Cools	Toronto-York	Toronto
7	Colin Kenny	Rideau	Ottawa
8	Norman K. Atkins	Markham	Toronto
9	Consiglio Di Nino	Ontario	Downsview
10	James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
11	John Trevor Eyton	Ontario	Caledon
12	Wilbert Joseph Keon	Ottawa	Ottawa
13	Michael Arthur Meighen	St. Marys	Toronto
14	Marjory LeBreton	Ontario	Manotick
15	Landon Pearson	Ontario	Ottawa
16	Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
17	Lorna Milne	Ontario	Brampton
18	Marie-P. Poulin	Northern Ontario	Ottawa
19	The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
20	Francis William Mahovlich	Toronto	Toronto
21	Vivienne Poy	Toronto	Toronto
22	Isobel Finnerty	Ontario	Burlington
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Leo E. Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Michel Cogger	Lauzon	Knowlton
5 Roch Bolduc	Golfe	Sainte-Foy
6 Gérard-A. Beaudoin	Rigaud	Hull
7 John Lynch-Staunton	Grandville	Georgeville
8 Jean-Claude Rivest	Stadacona	Quebec
9 Marcel Prud'homme, P.C.	La Salle	Montreal
10 Fernand Roberge	Saurel	Ville Saint-Laurent
11 W. David Angus	Alma	Montreal
12 Pierre Claude Nolin	De Salaberry	Quebec
13 Lise Bacon	De la Durantaye	Laval
14 Céline Hervieux-Payette, P.C.	Bedford	Montreal
15 Shirley Maheu	Rougemont	Ville Saint-Laurent
16 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
17 Lucie Pépin	Shawinigan	Montreal
18 Marisa Ferretti Barth	Repentigny	Pierrefonds
19 Serge Joyal, P.C.	Kennebec	Montreal
20 Joan Thorne Fraser	De Lorimier	Montreal
21 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
22 Sheila Finestone, P.C.	Montarville	Montreal
23		
24		

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 John B. Stewart	Antigonish-Guysborough	Bayfield
3 Michael Kirby	South Shore	Halifax
4 Gerald J. Comeau	Nova Scotia	Church Point
5 Donald H. Oliver	Nova Scotia	Halifax
6 John Buchanan, P.C.	Nova Scotia	Halifax
7 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
8 Wilfred P. Moore	Stanhope St./Bluenose	Chester
9 Calvin Woodrow Ruck	Dartmouth	Dartmouth
10 J. Bernard Boudreau, P.C.	Nova Scotia	Halifax

NEW BRUNSWICK—10

THE HONOURABLE		
1 Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine
2 Eymard Georges Corbin	Grand-Sault	Grand-Sault
3 Brenda Mary Robertson	Riverview	Shediac
4 Jean-Maurice Simard	Edmundston	Edmundston
5 Noël A. Kinsella	New Brunswick	Fredericton
6 Mabel Margaret DeWare	New Brunswick	Moncton
7 Erminie Joy Cohen	New Brunswick	Saint John
8 John G. Bryden	New Brunswick	Bayfield
9 Rose-Marie Losier-Cool	New Brunswick	Bathurst
10 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Melvin Perry Poirier	Prince Edward Island	St. Louis
4	Prince Edward Island	

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE

1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kamloops

SASKATCHEWAN—6

THE HONOURABLE

1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Reginald James Balfour	Regina	Regina
3 Eric Arthur Berntson	Saskatchewan	Saskatoon
4 A. Raynell Andreychuk	Regina	Regina
5 Leonard J. Gustafson	Saskatchewan	Macoun
6 David Tkachuk	Saskatchewan	Saskatoon

ALBERTA—6

THE HONOURABLE

1 Daniel Phillip Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Ronald D. Ghitter	Alberta	Calgary
4 Nicholas William Taylor	Sturgeon	Bon Accord
5 Thelma J. Chalifoux	Alberta	Morinville
6 Douglas James Roche	Edmonton	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Philip Derek Lewis	St. John's	St. John's
2 C. William Doody	Harbour Main-Bell Island	St. John's
3 Ethel Cochrane	Newfoundland	Port-au-Port
4 William H. Rompkey, P.C.	Newfoundland	North West River, Labrador
5 Joan Cook	Newfoundland	St. John's
6 George Furey	Newfoundland	St. John's

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Normand Grimard	Quebec	Noranda, Que.
2 Thérèse Lavoie-Roux	Quebec	Montreal, Que.

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CANADA

Debates of the Senate

2nd SESSION

• 36th PARLIAMENT

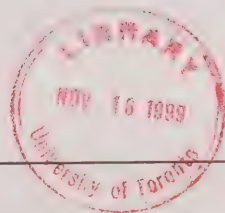
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OFFICIAL REPORT
(HANSARD)

Wednesday, October 13, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, October 13, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

THE GOVERNOR GENERAL

ADDRESSES AT INSTALLATION PRINTED AS APPENDIX

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move:

That the Address of the Prime Minister of Canada, the Right Honourable Jean Chrétien, P.C., at the Installation of the Right Honourable Adrienne Clarkson, as Governor General of Canada on October 7, 1999, together with the reply of Her Excellency the Governor General thereto, be printed as an Appendix to the *Journals of the Senate* of this day and form part of the permanent records of this house.

Motion agreed to.

(For text of addresses see Appendix, p. 37.)

THE HONOURABLE J. BERNARD BOUDREAU, P.C.

TRIBUTES ON APPOINTMENT TO THE SENATE

Hon. B. Alasdair Graham: Honourable senators, on June 11, 1997, I was sworn to the Privy Council of Canada as Leader of the Government in the Senate. On that occasion, I said that my prime objective was to help create conditions wherein I would be replaced at the first opportunity. In fact, I stated publicly that I would be the only person around the federal cabinet table trying to work himself out of a job. I did not realize at the time how carefully the Prime Minister was listening. He obviously hung on my every word, so to speak. There are not many politicians who can boast that they have achieved their goal and have accomplished their task in half the normal time allotted.

It is on that note that I extend the warmest of welcomes, a genuine and very sincere welcome to the person who helped me achieve that success, my successor, the Honourable Senator J. Bernard Boudreau.

Senator Boudreau is not only a long-time personal friend, but a long-time family friend as well. In fact, when Bernie ran for the leadership of our party in Nova Scotia, one of my sons was his campaign manager. For the last two years, Senator Boudreau and Jack have been partners in the same law firm.

I wonder, honourable senators, if it would be too much of a stretch of imagination to suggest that where the son failed, the

father succeeded, in a rather circuitous fashion, in advancing Senator Boudreau's political career. However, Senator Boudreau is well able to speak for himself and stand on his own merits. Both in his private and public careers, he has earned the respect of many Canadians, whether they live in Nova Scotia or elsewhere.

Before and after his years in the Nova Scotia legislature, Senator Boudreau enjoyed a distinguished career in the practice of law, both in Sydney and Halifax.

As Minister of Finance and later as Minister of Health, he found it necessary — as was the case in all the provinces and indeed in the country — to make some very tough decisions. Senator Boudreau accomplished his task. He restored fiscal responsibility to Nova Scotia under very difficult circumstances.

● (1410)

Senator Boudreau, you will come to understand, as I did, that it is a high honour and a rare privilege to sit in Canada's cabinet and to freely discuss the burning issues of the day, be they of a regional, national, or international nature. Permeating all of these discussions will be our common concern for the welfare of the people in our beloved Nova Scotia.

As regional minister, you will be faced with many challenges, and in these, as well as other matters which will concern you as Leader of the Government in the Senate, you will have my full cooperation and support.

In this chamber, you will find some of the finest minds and most dedicated parliamentarians in the world. It has been my experience that our colleagues bring very special qualities, unique experiences, successful careers, and a wonderful work ethic to the challenges they face.

In my view, they share the sentiments of Edward Blake, a former member of Parliament who, more than a century ago in a speech delivered in the House of Commons, said:

The privileges of Parliament are the privileges of the people, and the rights of Parliament are the rights of the people.

As we enter a new century, these words remind us of a tradition which we have inherited — an unchanged tradition — and a privilege very few of us are fortunate enough to possess. That is the wonderful privilege of public service. What we do here, we do for the people of our province, of our region, and of our country. The work that we do, we do on their behalf. We do this work for the public good.

In my 27 years of full-time service in the Senate, every piece of legislation that was amended needed to be amended and, as a consequence, was improved. Every study undertaken has enriched in some way special segments of our society.

Senator Boudreau, you have already demonstrated your ability in the House of Assembly of Nova Scotia. You will now have an opportunity to demonstrate, and indeed improve upon, those skills in the Parliament of Canada. We are privileged to have you among us and, once again, we bid you the warmest of welcomes.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while it is always a pleasure on behalf of the opposition to welcome a new member of the Senate, I always do so on the assumption that we will all benefit from a newcomer's experience and background until the mandatory retirement age forces departure.

Senator Boudreau is the first senator who, even before being sworn in, announced that his length of stay here will be no longer than the duration of what is left of the present government's mandate. This puts me in a quandary. I want to wish Senator Boudreau a lengthy and rewarding stay here, but at the same time, I, along with many others, hope that this government's time left in office is as short as possible.

Actually, I like to think that, after only a few months, the senator will find that the work done here is more productive and less partisan than in the other place, and that he may well want to reassess his decision, once the next election is called, to downgrade.

Only time will tell.

Meanwhile, he takes on a difficult challenge, made more so by the standards set by his immediate predecessor, whose urbanity and civility were never more tested nor better confirmed than they were in the past few days and in his remarks today.

Today, let me simply say that I wish Senator Boudreau well in his new responsibilities, and I congratulate him on the choice of his deputy leader. Senator Hays is widely respected on all sides and brings to his new position 15 years of active participation in the work of the Senate. I have one word of caution, however: As Senator Boudreau searches for means to rebuild his party's fortunes in Nova Scotia, he would be well advised to question, if not ignore, those that have been applied by Senator Hays in Alberta.

SENATORS' STATEMENTS

YWCA WEEK WITHOUT VIOLENCE

Hon. Sharon Carstairs: Honourable senators, I rise today to draw the attention of honourable senators to the fact that next week, October 17 to 23, is the YWCA's Week Without Violence.

This is an international campaign that was created first by the YWCA in the United States in 1995, but quickly spread to over 20 countries, including Canada, Australia, Ghana, Uruguay, and Zimbabwe.

The main objective of the campaign is to emphasize alternatives to all kinds of violence. During the YWCA Week Without Violence, YWCAs and YMCA-YWCAs in communities across the country will collaborate with schools, police forces, community groups and sponsors to organize a variety of grassroots activities that encourage Canadians to find solutions to violence they face in their everyday lives.

Each of the seven days of this week will address a different violence-related theme. The schedule for the week is as follows: Sunday, October 17, will be a day of remembrance for all victims of violence. On October 18, parents and children will learn how to avoid violent situations. October 19 is the day on which they will concentrate on making our schools safer. Wednesday, October 20 will be dedicated to confronting violence against women. On Thursday, October 21, the YWCA will encourage all Canadians to raise their awareness of how anger, aggression and stress affect men's lives and relationships. The focus for Friday, October 22 is racism and hate crimes and their impact on violence. Finally, Saturday, October 23 will highlight how we can replace violence with positive activities, such as sports, art and recreation.

Honourable senators, I encourage each and every one of you to become involved.

THE SENATE

CONGRATULATIONS TO STAFF FOR EFFORTS IN PREPARING FOR INSTALLATION OF GOVERNOR GENERAL AND SPEECH FROM THE THRONE

Hon. Bill Rompkey: Honourable senators, recently, two events took place in this chamber which were very significant in the life of our country. The first was the swearing in of the new Governor General, and the second was the reading of the Speech from the Throne. Both would be significant even if they were not at the beginning of the millennium.

• (1420)

Having gone through a number of installations and Speeches from the Throne, I have never seen either of those events done better. They brought honour to this chamber and to Parliament. Those of us who walk in and simply sit in our seats are perhaps not always aware of the work that goes into preparing for those functions, so I want to pay tribute — and I hope I do it on behalf of all of us — to Black Rod. This was her first such event, and I think she distinguished herself. In addition, through Black Rod, I wish to pay tribute to her staff and the staff of the Senate who I know burned the midnight oil in looking after all the details and ensured that the functions were carried out in such an excellent manner.

AGRICULTURE

INDUSTRIAL HEMP— OBSTACLES IN EXPORTING TO THE UNITED STATES

Hon. Lorna Milne: Honourable senators, I rise today to direct the attention of the Senate to the current situation facing a Canadian company and a young Canadian industry. Kenex Limited of Chatham, Ontario, is becoming a leading producer and processor of industrial hemp. However, this has been recently severely compromised by the U.S. Customs Service and Drug Enforcement Administration.

I became aware of the problem after I wrote to several of my industrial hemp contacts in September, inquiring on this year's crop. The response I received from Mr. Jean Laprise, President of Kenex, was not what I had hoped to hear.

Mr. Laprise was of great assistance to me when I first became involved with industrial hemp legislation. At that time, it became obvious to me that the U.S. market was a strong reason for permitting the farming of industrial hemp in Canada. Despite having a huge market for raw and finished hemp products, the U.S. long ago prohibited the farming of hemp, so the American market for years has been dependent on overseas imports.

More recently, several states have passed legislation encouraging hemp as an industrial crop — Hawaii, North Dakota and Minnesota among them. Once manufacturers gain market share, they tend to keep that initial advantage, so it behooves our Canadian producers and manufacturers to gain and entrench their market share before the Americans get going.

The U.S. market accounts for 95 per cent of Kenex's business. One of its clients, a \$2-billion-a-year company, has been using hemp seed from China in their mixes for years. Kenex's shipment of birdseed to this company in August was seized by American Customs. The shipment was accompanied by documentation verifying its sterilization and THC analysis. The birdseed is "sterilized hemp grain," which is not a controlled substance, regardless of THC content. That aside, the Kenex hemp seed is fully legal under Canadian law. It has less than 0.001 per cent, or 1 part in 100,000, of THC. Canadian law allows for up to 0.3 per cent in sterilized seed. Mr. Laprise said:

THC traces cannot be found in our products unless the laboratory has the capabilities of testing for THC in parts per million and, even at that level of testing, THC traces cannot be found in most of our products.

Cynthia H. Thielen, a Representative for the State of Hawaii, has publicly come out in support of Kenex Limited and has openly criticized the American Drug Enforcement Administration's involvement in the seizure of Kenex's products.

Honourable senators, it is my understanding that the Department of Foreign Affairs and International Trade is working on the situation, and I will be monitoring the developments very closely. I hope to hear some good news for Canadian farmers very soon.

QUESTIONS OF PRIVILEGE

Hon. A. Raynell Andreychuk: Honourable senators, I rise today pursuant to rule 43(7) of the *Rules of the Senate of Canada* to give notice that I will raise a question of privilege concerning the unauthorized release of working drafts of a report of the Standing Senate Committee on Aboriginal Peoples.

You will note that this same question of privilege was raised in the last session. A ruling was made by our Speaker, and the matter was to be referred to the Standing Committee on Privileges, Standing Rules and Orders. I am resurrecting it as a result of the prorogation, and I wish to speak to it at the appropriate time.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a question of privilege relating to the experiences incurred by a witness who appeared before one of our Senate standing committees. At the appropriate time today, pursuant to rule 43(7), I shall speak in detail on the matter.

Somewhat similar to the circumstance of the question of privilege raised by my honourable friend Senator Andreychuk, we wish to ensure that this question of privilege, which had been raised in the previous session, is properly reinstituted and brought forward.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to direct your attention to the presence in the gallery of a delegation from the Democratic People's Republic of Korea.

Mr. Cha Jong is Bureau Executive of the Institute of International Affairs; Mr. Li Song Man is Researcher at the Institute of International Studies; and Mr. Ri Kwang Nam is First Secretary at the Permanent Mission of the Democratic People's Republic of Korea to the United Nations. The delegation is hosted by our colleague the Honourable Senator Marcel Prud'homme, P.C.

On behalf of all honourable senators, I wish you welcome to the Senate of Canada.

[Translation]

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT PRESENTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Wednesday, October 13, 1999

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to rule 85(1)(b) of the *Rules of the Senate*, your committee submits herewith the list of Senators nominated by it to serve on the following standing committee:

STANDING COMMITTEE ON TRANSPORT AND COMMUNICATION

The Honourable Senators, Adams, Bacon, *Boudreau (or Hays), Callbeck, Finestone, Forrestall, Johnson, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Perrault, Poulin, Roberge and Spivak.

**Ex officio members*

Respectfully submitted,

LÉONCE MERCIER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Mercier: Honourable senators, with leave of the Senate, I move that this report be now adopted.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: No.

On motion of Senator Mercier, report placed on the Orders of the Day for consideration at the next sitting on the Senate.

SECOND REPORT PRESENTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Wednesday, October 13, 1999

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to rule 85(1)(b) of the *Rules of the Senate*, your committee submits herewith the list of Senators nominated by it to serve on the following standing committee:

STANDING COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Atkins, Bolduc, *Boudreau (or Hays), Carney, Corbin, De Bané, Di Nino, Grafstein, Lewis, Losier-Cool, *Lynch-Staunton (or Kinsella), Stewart and Stollery.

**Ex officio members*

Respectfully submitted,

LÉONCE MERCIER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Mercier: Honourable senators, with leave of the Senate, I move that this report be now adopted.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: No.

On motion of Senator Mercier, report placed on the Orders of the Day for consideration at the next sitting on the Senate.

[*English*]

MEDICAL DECISIONS FACILITATION BILL

FIRST READING

Hon. Sharon Carstairs presented Bill S-2, to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Tuesday, October 26, 1999.

• (1430)

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO REFER TO COMMITTEE
THE ORDER IN COUNCIL ISSUED PURSUANT TO THE
CANADA TRANSPORTATION ACT TO ALLOW DISCUSSIONS
ON PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move:

That, pursuant to subsection 47(5) of the Canada Transportation Act, the order laid before this Chamber on September 14, 1999 authorizing certain major air carriers and persons to negotiate and enter into any conditional agreement, be referred for review to the Standing Senate Committee on Transport and Communications;

That the committee hear, amongst others, the Minister of Transport;

That the committee have the power to permit coverage by electronic media of its public proceedings; and

That the committee submit its final report no later than December 15, 1999.

The Hon. the Speaker: Honourable senators, I believe the Senate has a problem. The committee has not yet been formed because leave was not granted to proceed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): This is only a notice.

The Hon. the Speaker: I am in your hands, honourable senators. Is leave granted?

Senator Hays: Your Honour, this is a notice to deal with this motion at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, if this is a notice to deal with the motion at the next sitting, there is no need for any approval by the Senate.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CHANGING MANDATE OF THE NORTH ATLANTIC TREATY ORGANIZATION

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report upon the ramifications to Canada

1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and
2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member.

That the papers and evidence received by the committee on the subject of this reference during the First Session of the Thirty-sixth Parliament be referred to the Committee;

That the committee have the power to sit during sittings and adjournments of the Senate;

That the committee have the power to permit coverage by electronic media of its public proceedings; and

That the committee submit its final report no later than November 18, 1999.

[Translation]

LA FRANCOPHONIE SUMMIT

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Thursday, October 21, 1999, I will call the attention of the Senate to the recent Francophonie Summit, which was held in Moncton last September.

[English]

QUESTION PERIOD

CAPE BRETON DEVELOPMENT CORPORATION

POSSIBLE PROJECTS TO HELP MINERS QUALIFY FOR EARLY RETIREMENT INCENTIVE PROGRAM—GOVERNMENT POSITION

Hon. John Buchanan: Honourable senators, before I ask my question, I wish to welcome the Leader of the Government to the Senate.

Life is strange. The last time that I sat in a house with Senator Boudreau, I sat across from him. I was on the government side as premier and he was a member of the opposition. I am pleased that we are back in the same positions, but he is over there and I am over here.

I look forward to working with the honourable senator in the Senate for many, many years to come. He may sit over there for a few years, but after the next federal election I will be sitting over there and he will be sitting over here. I am a real nice guy, and the Honourable Senator Boudreau knows that.

I have a question for the Leader of the Government in the Senate on a matter that has been near and dear to his heart and mine over many, many years. It is with respect to the Cape Breton Development Corporation, Devco.

I know that the honourable senator will work as hard as Senator Graham did as far as Devco is concerned — at least, I hope he will.

My question is with regard to the situation with the Phalen colliery. At the present time they are stripping the belt line and the lower levels of the Phalen colliery. The miners are hoping that they will only strip the belt line up to the upper section of the Phalen colliery, where there is approximately 7.5 million tonnes of coal of which 5 million to 6 million tonnes are recoverable in the areas of 1A west, 2A west, 1QZ, 2QZ, and 1Y and 2Y.

The United Mine Workers of America and the other unions at Devco are hoping that the federal government will see fit to allow them to mine that coal over the next few years so that the men so employed will have sufficient years to gain their pension rights at the end of the two-year period. Otherwise, the mine will close and they will not have their pension rights.

Will the Leader of the Government in the Senate discuss this matter with the Prime Minister as quickly as possible so that these men will be kept actively at work in the Phalen colliery mining this 5 million to 6 million tonnes of recoverable coal?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I wish to thank the honourable senator for his question. As my honourable colleague correctly points out, we have been in this situation before — except I was asking the questions then and he was providing the answers.

Senator Buchanan: That's right, and you always got the right answer.

Senator Boudreau: The honourable senator may find it more fun in his present position.

Before I address the question asked by the honourable senator, I should like to respond to the remarks made earlier today. I am truly humbled by the responsibility that has been placed before me, more so because of the distinguished way that my predecessor discharged those responsibilities. I wish to thank him on behalf of the Senate and the people of Canada.

Honourable senators, I was also warmed by the generous welcome and advice given by the Leader of the Opposition and, in particular, his suggestion that I may want to reconsider the length of my stay in this venerable institution. I wish to point out to him that on this particular question he has the full support of my wife.

With respect to the question raised by the Honourable Senator Buchanan, Devco will be a matter of central concern to me as I attempt to discharge my responsibilities.

• (1440)

We have both been familiar with the file for a considerable period of time. It is now going through a two-part process. The first part is to achieve an honourable human-resources resolution for those people who have been employed in the industry for many years. That is a matter of great importance, not only to them, but to all senators and to the Government of Canada.

The other part, of course, is to assist with economic development to help the community adjust to the transition that is taking place. No one knows better than the honourable senator who asked the question that this is a fundamental transition from an industrial economy relying on one employer to a post-industrial economy. Such a transition is never easy.

With respect to the specific question, I will of course convey the concern. I will say, however, that the process of placing the resources in the hands of a private-sector operator is now underway. Everyone seems to agree that this will be the best resolution for the situation. If the coal resources can be retrieved and mined safely, effectively and economically, I am sure every consideration will be given to the proposition by the new private operator.

Senator Buchanan: Honourable senators, I will not comment on the privatization. I have my own sentiments on that issue.

The problem with the 5 million to 6 million tonnes of recoverable coal is that if Devco management continues to persist in stripping the belt line up and beyond the upper sections of the Phalen colliery, it may be too late for a private operator to come in to mine that coal. It is fine if a private operator manages to do that, but the pension benefits must continue, then, for those miners who will be doing that work for the next two years.

As the honourable senator knows, with the closure of Phalen, a considerable number of miners do not fit the formula for the early retirement incentive program. Phalen closed before anyone thought it would, and that is the problem at hand at the present time.

I also wish to ask the honourable senator about the approximately 1,160 miners who will be affected when Phalen is closed. The bumpy process has already started with Prince colliery. The men who were displaced when Phalen closed down and the men who are on the maintenance end of Phalen have bumped men in Prince colliery, and approximately 250 of them have been given lay-off slips.

When one combines those men with the others, some 1,100 miners will not have any pension benefits, including miners who have 20 years' service but, when one adds their age, still do not have 75 points. In my opinion, that is most unfair, and it is most unfair in the opinion of the president and the executive members of the United Mine Workers.

Some method must be found to allow these people to be eligible for the early retirement incentive program. One project could be carried out, and it is quite simple.

Some honourable senators will know that a massive environmental cleanup is required at Devco. The same is true of Sydney Steel Corporation if something happens there. The Devco cleanup will cost about \$150 million. That project is presently seen as being not a labour-intensive program but an equipment-intensive program.

If the federal government, through Devco, decides to clean it up and use the money to pay people rather than to buy machines, then many of those miners could be put to work on that environmental cleanup project. They could then earn sufficient years to make up 75 points. I am asking the new minister to, as quickly as possible, take this matter up with the Prime Minister.

By the way, the Prime Minister, during the provincial election in Nova Scotia, sent a letter to Mrs. Edna Budden and the wives of miners telling them he would have officials in the department review all aspects of the early retirement incentive program. I do not know whether he has done that, but it must be addressed so these men are not just left out on the street.

Senator Boudreau: Honourable senators, the program put forward by the government, as the honourable senator will know, was affected in two ways by the early closure of the mine. First, some of the people who would have fit into the early retirement program, having achieved the required level of service, are not now able to do so because of the early closing. They lost the extra period of time needed to qualify, and as a result were affected quite directly. Second, the plan was also affected because the corporation was relying on revenue which would have been generated by the operation of the mine for that period of time. Because of those two consequences of the early closure, the government felt it necessary to review the plan which was put before the miners and the families some time ago.

That review is still ongoing. I am very hopeful that we will be able to do something to improve the situation specifically for the groups we have just been discussing and who were affected directly by the early closure of the mine.

I am hopeful that the Prime Minister and the ministers involved will be able to address that in some fashion. I certainly will be conveying your interest and your comments as well as my own.

THE ENVIRONMENT

NOVA SCOTIA— RESPONSIBILITY FOR CLEANUP OF TOXIC WASTE SITES

Hon. Lowell Murray: Honourable senators, if the minister does not have an answer to the following question, perhaps he could bring in a definitive statement in a couple of days' time.

What exactly is the position of the Government of Canada with regard to liability for the environmental cleanup of existing and abandoned mine sites now under their control in Cape Breton?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I would be happy to confer with my colleagues in the Privy Council and to bring back a specific response. It is my impression that, as with other Crown corporations, the environmental liability will not go away. Since it is highly unlikely that a purchaser will take it on, it looks like it could be ours.

NATIONAL DEFENCE

NOVA SCOTIA—FUNDS FOR CLEANUP OF FLOOD DAMAGE IN CUMBERLAND COUNTY

Hon. Donald H. Oliver: Honourable senators, I wish as well to extend my congratulations to the new leader. As someone who has served as minister of finance in a legislative assembly, he will know that funds for emergencies are not easily found. My question relates to Cumberland County in Nova Scotia, which was recently ravaged by floods. Four bridges were washed out and as many as four roads were damaged beyond repair. The Province of Nova Scotia, as the honourable leader will know, is seeking federal assistance to cover more than \$3 million worth of damage.

Would the honourable minister please tell us what steps he is prepared to take to ensure that the funds required for the cleanup in Cumberland County will be forthcoming?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I believe that request should be put to the Minister of National Defence. I am not aware of such a request but I will certainly make inquiries and indicate the status of any such request. Obviously a request for funding must be initiated, by the provincial government. I assume from the honourable senator's remarks that such a request has come forward. I would also suggest that it must be dealt with in the context of an existing federal program, but I will give my honourable friend more detailed information as soon as I can obtain it.

TRANSPORT

NOVA SCOTIA—POSSIBILITY OF INFRASTRUCTURE PROJECT TO REBUILD HIGHWAY 101

Hon. Marjory LeBreton: Honourable senators, I, too, join in welcoming the new Leader of the Government in the Senate.

Honourable senators, the record of this government with regard to Atlantic Canada is "abysmal", displaying a "...total ignorance of the issues of shipbuilding...a total ignorance of the very highly developed information technology sector..." and "their disgraceful mismanagement of the fisheries issue."

• (1450)

Honourable senators, those words are a direct quotation of none other than the former Liberal premier of New Brunswick, Frank McKenna, as reported in *The Globe and Mail* of October 5, 1999.

He went on to say:

Today, they are worse off than they were at election time [in 1997]....What [Atlantic Canadians] wanted from the federal government — the only thing they wanted — was a vision, was a sense of acknowledgement and hope....That was never offered.

What did the government do to address these serious concerns? It dialled 911, Senator Bernie Boudreau. Well, let us start with Nova Scotia.

Honourable senators, my question is for the Leader of the Government in the Senate. It is in regard to Highway 101 in the province of Nova Scotia which has been the scene of automobile carnage resulting in many fatalities. As the minister responsible for Nova Scotia, what does he plan to do to address this serious problem? Will he commit himself and his government to federal highway infrastructure projects to rebuild and repair these potentially lethal sections of Highway 101?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I was wondering when I might hear those words of Mr. McKenna's again. The vision to which he referred is one which I was pleased to see brought forward quite dramatically and effectively in yesterday's Speech from the Throne.

Discussions concerning highway infrastructure are currently underway with the Minister of Transport. There were references in the Throne Speech to both the traditional physical infrastructure and the infrastructure in the area of communications. I am encouraged by those comments. They will fit well with the federal government's plans as Nova Scotians move forward into the next millennium. I certainly will be discussing the matter with the minister.

Senator LeBreton: Honourable senators, does the Leader of the Government in the Senate agree with the words of former premier McKenna? Where in the Throne Speech was there a specific plan dealing with this question of infrastructure? This has been an ongoing concern. Many of us who have driven over that highway know of what we speak. It is an extremely dangerous section of the highway, as are other sections of other highways in other parts of the country.

Senator Boudreau: Honourable senators, the senator asks if I agree with Mr. McKenna who, I might add, is my former law partner. It will not come as a surprise to honourable senators that I do not agree with Mr. McKenna on that point. The fact of the matter is that the general prosperity that has been created in this country is almost unprecedented.

The Governor of the Bank of Canada has indicated that over the last four quarters the real growth will be in excess of 4 per cent, something which is almost unheard of. Equally remarkable is that even in the face of that growth, our inflation rate remains within the target areas — an incredible achievement.

It is true that that achievement has not been shared equally in every part of the country. Perhaps Mr. McKenna was making a dramatic point. However, I must tell honourable senators that in many parts of Atlantic Canada job creation and employment records clearly indicate that the prosperity has spread. It is not as much as we wanted, and it is not everywhere, but we continue to

work on it. Hopefully, we will have Mr. McKenna's support as we work toward our goals.

With respect to the road in question, I am very familiar with it. I have driven it on many occasions. The main highway system in Nova Scotia, which the federal government has supported through funding, is quite good, though it is not good everywhere. Much of the credit for what is good, I might say, deservedly belongs to Senator Buchanan.

The Province of Nova Scotia does have a good highway system, but let me emphasize once again that not all of it is perfect. The honourable senator has identified one highway which should be addressed. I am confident that the Minister of Transport is having discussions in that regard with his provincial counterpart.

THE ENVIRONMENT

NOVA SCOTIA—CLEANUP OF SYDNEY TAR PONDS

Hon. Mira Spivak: Honourable senators, my question is also directed to the Leader of the Government in the Senate. I hope he will take note that we are testing him initially on the region with which he is most familiar. I will refrain from commenting on his skilful skating around the questions that he has been asked thus far.

My question also concerns the province of Nova Scotia. As I am sure the minister knows, the tar ponds of Sydney are an environmental hazard. Many of my friends in the environmental movement have worked long and hard over many years to bring this matter to the attention of the government. In fact, Mr. Don Deleskie, a private citizen, has gone to extraordinary lengths by staging a hunger strike. He has also taken to shovelling out the site himself.

The Leader of the Government in the Senate is now the minister responsible for matters in Nova Scotia. What specifically does he have in mind to address the cleanup of this toxic site?

Before the minister answers the question I would like to tell him that, recently, we in this house passed a government bill which specifically refrained from looking at the phasing-out and the generation of formidable toxic chemicals, such as PCBs and other materials which are in this toxic site.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for her question. In fact, I thank all senators for asking their questions on an area with which I am somewhat familiar.

I am quite familiar with the tar ponds in Sydney. In the past, there have been some attempts at remediation of the tar ponds. Some of these attempts have been very expensive and not very successful. A great deal of money has been expended with questionable results.

There have been attempts by government at both levels, and of all political stripes, to impose a solution on the community. Those attempts have not gone very well either. However, now, with this major initiative by, primarily, the federal government, but in cooperation with the provincial government, some \$62 million has been committed to commence what, hopefully, will be the final remediation of this site.

Having learned from past experience, which was not all that pleasant or productive, we have created a process that involves the community in seeking a solution to this problem. It is a community-based approach. The problem with doing things this way is that it takes time. It is much quicker to impose a solution than it is to seek a consensus in the community.

Thus, a joint action group composed of people from various sectors in the community has been established. The federal government has joined in a program with the provincial government to commit \$62 million, 70 per cent of which is federal money. A substantial commitment has been made. The joint action group is reaching the completion of the first stage of its work and hopes to move on as quickly as possible with the remediation.

It is worth the time and the effort to bring this community consensus to the fore. I have seen it done the other way and the results were not particularly acceptable.

PRINCIPLES OF PAYMENT BY POLLUTERS, POLLUTION
PREVENTION AND PHASING OUT OF TOXIC CHEMICALS—
POSITION OF LEADER OF THE GOVERNMENT

Hon. Mira Spivak: Honourable senators, community consensus is a wonderful thing. However, in this case the responsibility for what went on is certainly not that of the community. It was the company which left the mess.

In light of the bill that we just passed, is the Leader of the Government personally committed to the principles of pollution prevention, polluter pays and, most important, the phasing out of the manufacture, generation and use of such toxic chemicals so that in the future we need not be faced with this question again? By the way, much time was spent working with government solutions imposed without community consensus, so the short time it might take to arrive at a community consensus should hardly be a concern.

• (1500)

I would like to get a sense of how the minister from Nova Scotia, the Leader of the Government here in the Senate, views the very important questions of polluter pays, pollution prevention and, most important, the phasing out of the use and generation of the most toxic chemicals, some of which are not yet phased out. It has just recently been discovered that whales off the coast of British Columbia have a tremendous amount of

PCBs in their bodies as a result of the generation and use of the most toxic chemicals.

Hon. J Bernard Boudreau (Leader of the Government): Honourable senators, community participation and consensus building came as a result of demands on both levels of government by the community. The government complied with those demands. It is a valuable and necessary process, even if it does slow progress a little at the front end.

With regard to the other issue that the honourable senator raised, the tar ponds situation took close to 100 years to create. It would never be repeated today.

I have no significant disagreement with the statements the honourable senator has made. I would like to have an opportunity to discuss the matter with her in more detail, but I take no great exception to the comments made. We must never allow another such situation to be created.

Senator Spivak: Honourable senators, I am delighted to hear that the Leader of the Government in the Senate is in agreement with at least this side of the house that we need to phase out the manufacture and generation of the most toxic chemicals. I thank him for that very helpful statement.

AGRICULTURE

EFFICACY OF PROGRAMS FOR PROBLEMS FACED BY FARMERS

Hon. Leonard J. Gustafson: Honourable senators, I, too, welcome the new Leader of the Government in the Senate and wish him well.

My question is in an area with which he is familiar. Nova Scotia farmers have suffered three years of drought. The program which the government brought forward has not dealt with this situation. It pays farmers 70 per cent of their average income over the last three years. Honourable senators, 70 per cent of nothing is nothing. Is the Leader of the Government aware of this? If so, what will he do about it?

In addition, I wish to make him aware of the situation in Saskatchewan, Alberta, and Manitoba. Farmers are here in Ottawa today, as they have been for the last three days. They are facing a crisis situation in Canada. Senators who met with the farmers last evening heard stories of desperation among farm families, yet there was not one word about the situation in the Speech from the Throne. Farmers came to Ottawa to hear the Throne Speech to see whether there would be any help in it for them.

Will the Leader of the Government in the Senate carry this message to the cabinet and express the urgency of the national problem this country faces in some areas of agriculture?

Hon. J. Bernard Boudreau (Leader of the Government):

Honourable senators, I know that Senator Gustafson is from Saskatchewan. I had the occasion last month to travel to Regina in my then capacity as a member of the board of the Bank of Canada. On that visit, we were briefed by farm leaders and economists specifically in relation to the agriculture situation on the Prairies. Although I obviously do not have the same understanding as the senator, I have some understanding of the difficulties and the desire for a fair and even playing field.

The federal and provincial governments have provided an extra \$1.5 billion in assistance to farmers in the Agricultural Income Disaster Assistance Program. Part of the difficulty is that to date the program has only delivered \$190 million of that commitment. However, by the end of the year, we expect this amount will increase to \$550 million. The pace will pick up, and it is hoped that the problem to which the senator refers will be alleviated somewhat.

I will certainly convey to the Prime Minister the senator's concerns with regard to the Throne Speech. I am hopeful that when the senator listens to the Prime Minister's speech in reply to the Speech from the Throne today, he will perhaps hear the references he seeks to the subject of agriculture.

Senator Gustafson: Honourable senators, I thank the minister for that response. The problem is that the AIDA program has not been working. The formula does not work, as senators on both sides of the house from both the Prairies and Nova Scotia know. It does not work simply because it is predicated on 70 per cent of the average income over the last three years. The farmer who has had three bad years in a row is in big trouble. The program will not trigger for him. Therein lies a major problem. The government must apportion the moneys that have been appropriated in such a way that they can be accessed.

This issue is of national concern. This country cannot afford to lose its farmers. We were told last night that we may lose 30,000 to 40,000 farmers to bankruptcy. The problem is so urgent that something must be done immediately.

Farm groups have been trying to get through to the Prime Minister. Prime Minister Trudeau was not one of the most loved in the West, as the leader knows, but he did come to Regina, Saskatchewan. He stood on the steps of the legislature, and the farmers were not very kind to him. They threw wheat in his face. However, he did come.

Will the Leader of the Government in the Senate tell the Prime Minister that our farmers are waiting to hear from him about the situation in agriculture?

Senator Boudreau: Honourable senators, I would be happy to do that on behalf of Senator Gustafson.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CONSEQUENCES OF THE EUROPEAN MONETARY UNION

Leave having been given to revert to Government Notice of Motions:

Hon. John B. Stewart: Honourable senators, I give notice that tomorrow, Thursday, October 14, 1999, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the consequences for Canada of the emerging European Monetary Union and on other related trade and investment matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Foreign Affairs during the First Session of the Thirty-sixth Parliament be referred to the committee;

That the committee submit its final report no later than December 15, 1999 and that committee retain all powers necessary to publicize the findings of the committee contained in the final report until December 24, 1999; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

• (1510)

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE ADJOURNED

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the Opening of the Second Session of the Thirty-sixth Parliament.

Hon. Richard H. Kroft, seconded by the Honourable Senator Furey, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Adrienne Clarkson, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

He said: Honourable senators, yesterday Her Excellency the Governor General spoke of many things. Fundamental to the framework of proposals set out in her address, and indeed what makes many of them possible, are the current and anticipated surpluses in Canada's accounts. This is a far cry from the painful struggle with mounting debt that so recently denied us opportunities, twisted our priorities and clouded our future. Through the sacrifice of all Canadians and the determination and excellent management of our government, we now face the very different yet also very challenging choices of where to direct the expanding resources of the Canadian people.

We have all become aware that, among the general public, in the media, and with our own political parties, there are many ideas, many dreams, many different priorities, and many different paths to the same goals. It is the task of the government to listen carefully to all voices, to conduct its own studies and evaluations and, in the end, to determine a course of action. It is on that course of action and on the effectiveness of its execution that the government will be judged. More important, it is on the quality of those decisions and actions of government that the future well-being of Canada and individual Canadians will depend.

The Governor General has spoken of the directions the government intends to take and the doors that can now be opened — doors to a better and more exciting future in Canada for the first generations of Canadians in the new millennium. These doors are marked "Enter", not "Exit". These doors will open to opportunity, not blank walls. They are doors to secure homes, doors to education, doors to research, and doors to productive and rewarding employment.

The Governor General has indicated where the government proposes to lead Canadians in the years ahead and has explained why it feels those goals are important.

Today, honourable senators, I want to tell you something of how I see our country — something of its past, something of its present, and certainly something of its future from my own very personal perspective. I am honoured and delighted to have this opportunity to speak in reply to the Speech from the Throne.

Since I have just declared I will speak from my personal perspective, it is important for me to describe that perspective with some care. A valued friend and mentor of mine is fond of saying that a person's view depends on his point of view, while another old political friend expresses the same thought with the words, "Where you stand depends on where you sit." Since arriving at the Senate, I have come to understand better what

these expressions really mean, so let me tell you about the point — or rather points — from which I view this country.

First, there is the critical matter of geography. I live in the centre of Canada. While that statement may shock many in this city, and many more in Toronto, it is nevertheless true. It is only a 20-minute drive from downtown Winnipeg to the longitudinal centre of Canada. That is not just a geographical oddity; it is a significant reality. It means that there are two time zones to the west and two and one-half — or is it three — to the east. It means that the western half of our province is part of the vast richness and beauty of the prairie and that the east is solidly built on the Canadian Shield. One cannot live where I do, between Saskatchewan and Ontario, without seeing this country differently from others less favoured.

Honourable senators, lest anyone confuse our geography with isolation or insularity, let me put your minds at rest. Our cultural and linguistic ties with Quebec are solidly rooted in the Franco-Manitoban community centred in St. Boniface. For all of Canada's life, this has been one of the two most important French language and cultural communities outside of Quebec. Much of our population migrated to Manitoba from Ontario and the Atlantic provinces. For the rest, like all of Canada, we are a mixture of our First Nations populations and immigrants from around the world. Our cultural institutions — theatre, ballet and music — are internationally renowned and rooted in an ethnically rich population mix.

Our business community, built on over a century of international commodity trading and now rich in new technologies, is one of the most outward-looking in Canada. We see the entire world as our natural market. Our producers, merchants and traders have long understood and thrived on the reality of globalization.

Perhaps Manitoba's place in the world was most vividly illustrated by the stunningly successful Pan American Games staged there this past summer. It was the largest such event in Canada's history and the third largest ever held anywhere. Nothing could have better explained us to Canada and to the world.

While honourable senators may take the last few comments as a bit of parochial promotion, that was not their purpose. I mention these things to remind you that Manitoba and the City of Winnipeg are dynamic elements of today's Canada and an important viewing point from which to observe and comment upon the important issues of the day. I share with my colleagues and fellow Canadians from the Atlantic provinces and the West a certain attitude, you might call it, toward an idea of Canada held by too many self-perceived central Canadians — that is, those from Ontario and Quebec. The excessive and unfortunate centralization of big business and the media in those two provinces, and particularly in Toronto, too often leads to the mistaken impression that everything important in Canada happens there and every idea worth holding is born there. There

is no malice in this, but if not challenged it can lead to an unfortunate misunderstanding of this country and its needs and opportunities. Our Fathers of Confederation understood this danger and designed this Senate with a balanced voice from all regions. It is the duty and responsibility of those of us from outside the great centres of population to speak strongly and often, in this chamber and in committee, so that all of Canada can be heard.

I also speak today from a generational vantage point that fundamentally conditions my view. I was born on the eve of World War II, and certain events and feelings from the war years and those immediately following are vivid in my memory. I received most of my formal education in the amazing 1950s, which I believe to be the most underrated decade of this century. I began my first political activities just as Lester Pearson began his leadership of the Liberal Party of Canada. In fact, an evening with Mr. Pearson, then leader of the opposition, in a small group in Winnipeg in the late 1950s sealed my lifelong commitment to the Liberal Party. I had my first working experience in public service here on Parliament Hill while he was still Prime Minister. I cannot help but observe in passing that, with barely five years in office and never with a majority, Mr. Pearson forever changed and enriched this nation.

In making this statement, I think of the major social programs he and his governments brought us. Having said that, it occurred to me again just the other day how difficult it is to imagine Canada in 1999 without our own distinctive flag. For many Canadians, that act of sheer political will and pride in Canada marks the Pearson era.

I was also here to see the emergence of Mr. Trudeau and the early days of his remarkable leadership. Ottawa became a magnet for talented young men and women full of energy, ideas, and a belief that anything was possible and that Canada was the place you could do it.

None of us — and there are several in this chamber today — who were here to share the experiences of those years can ever forget them, nor, more important, have we ever seen our country the same way again. A fundamental thing we learned was never to underestimate Canada and never, never to underestimate how important and powerful is the idea of Canada to Canadians and to people throughout the world.

• (1520)

Honourable senators, if there is a single memory I carry from the period 1966 to 1969, it is the remarkable sense of optimism that pervaded everything and everyone.

"Expo '67" was a dramatic and exciting expression of Canada's belief in itself and its place in the world. I reflect now and realize the enormous power of such confidence and optimism and the incredible energizing force they can create for a country and its people.

As I look today at the strength of Canada and its economy, our freedom from major international conflict, the truly mind-blowing revolution we are entering in science and technology, and the combined power of all these to enhance the quality and richness of the lives of all Canadians and the nearly 6 billion souls with whom we share this planet, I feel, again, and even more so, the optimism I felt as a young man here on Parliament Hill.

Finally, honourable senators, I speak from the perspective of one still very new to this chamber. It is little more than a year ago that I came here to begin a new career. For the previous 30 years, though trained as a lawyer, I was a businessperson, looking to build a company in Canada and beyond. In doing that, I learned a great deal about the realities of business life and the working of our economy. I learned of the critical need for educated and technically trained people in all disciplines. I learned that leadership is a skill demanded and practised at every level of every successful enterprise.

I learned that pride in one's company and products is a fundamental key to success and that pride in one's country grows stronger and stronger as products and services are carried outside our borders and around the globe.

I learned the extent to which the United States is both our partner and our competitor in almost everything we do and that the challenges and incomparable opportunities it presents are among the most imposing realities we face as Canadians. Being able to live successfully beside the most powerful country in the world will remain one of the most significant policy objectives of every Canadian government.

Honourable senators, we must continue to draw all that is good from our proximity and friendship and to avoid the pitfalls inherent in the inequalities of wealth and scale. It has been thus since Sir John A. Macdonald first assessed our future and it has never been more true than today.

As Canadians, we are and must continue to be firmly rooted in our own established values and identity. There can be no true progress in a society that is not fair and humane. However, as the world becomes increasingly interconnected, we must concentrate on particular demands of the 21st century. First is the need for a richer and more compelling Canadian economic and cultural life to capture the imaginations and provide new opportunities for our young people. These we must have to excite them to build their lives and careers here in Canada. Second is the need for an internationally competitive infrastructure in education, science and technology. Third is the need for a truly united, focused and optimistic Canada. These are essential goals of Canadian society as seen from my perspective.

Honourable senators, I have a strong conviction still rooted in the excitement and optimism I tasted here more than 30 years ago that I am not alone in believing we can reach them.

Some Hon. Senators: Hear, hear!

Hon. George J. Furey: Honourable senators, it is an honour and a privilege for me to second the motion moved by my esteemed colleague and friend Senator Kroft for an address in reply to Her Excellency the Governor General's Speech from the Throne.

[Translation]

I am honoured and privileged to second the motion to adopt the Speech from the Throne. First of all, I wish to congratulate those senators who, like me, have just been introduced into this chamber. I see here women and men who have done much for Canada and I am honoured and awed to be a part of this great institution.

[English]

I wish to take a moment to congratulate Senators Graham and Carstairs on the work they have done as Leader and Deputy Leader of the Government in the Senate. While I have not spent much time with them in that capacity, during the first two rather raucous weeks of September, I was able to see firsthand the hard work and dedication they brought to their work in this chamber. I wish both senators well in their new roles and look forward to their continued contributions and assistance.

A special welcome to Senator Boudreau, as he takes over the reins of leadership. Senator Boudreau, as we so eloquently say in Newfoundland: Welcome aboard, "by", long may your big jib draw.

I would be remiss, honourable senators, if I did not applaud the performance of our new Governor General yesterday when she delivered the Speech from the Throne. Her accomplishments as a broadcaster, journalist and activist for so many worthy causes have made her one of our great country's icons. I look forward with enthusiasm to seeing the energy and spirit she brings to the viceregal office over the coming years.

Honourable senators, to be involved in public life at this time in our nation's history — a time of important challenges and exciting possibilities, a time of globalization and technical wizardry — is both an honour and a privilege. We are indeed at the dawn of a new millennium. This is not just a significant time for our great country; it is also a significant turning point for the great Province of Newfoundland and Labrador. These last months of 1999 are a natural time for Newfoundlanders to reflect upon where we stand as a province, as people of this great country and upon our prospects for the future.

Today, Newfoundland and Labrador finds itself caught up in the sweeping economic and technological changes that are making their way throughout the world. Far from being swamped by these forces, however, the people of Newfoundland and Labrador are drawing on some long-standing skills and assets to deal with these fast-changing realities. Creativity, resilience, community solidarity, determination and hard work are enabling

many to realize their dreams and to move their province and their country forward.

Recent economic statistics tell us a lot about the direction our province is heading. The Conference Board of Canada has noted that at 5.2 per cent, Newfoundland heads Canada in real GDP growth. Employment prospects are also improving, with employment down by over 2.5 per cent from last year.

Honourable senators are aware of the benefits of megaprojects such as Hibernia, the Lower Churchill and the eventual development of Voisey's Bay nickel. While the contributions of these great projects to Newfoundland's economic success are critical, they are by no means the end of our story. Across the economic spectrum, provincially-based companies are achieving ever growing levels of success. No doubt, the contributions made by traditional industries like mining, forestry and the fisheries will remain central to our economic well-being.

Simultaneously, however, a real dynamic of diversification has also taken hold. Provincially-based companies are making their marks in areas such as communications, high-tech manufacturing and hazardous waste management.

Honourable senators, one of the most important economic growth areas for Newfoundland in recent years has been tourism, and the trend is set to continue.

"Soiree '99", which celebrates Newfoundland's contribution to Canada on the 50th anniversary of joining Confederation, has been a huge, nationwide success. Its festivals, concerts and events, which included a temporary takeover of the CN Tower last summer, have proven to be a great success story. These events have built momentum towards the next big celebration in the year 2000 honouring the 1,000-year anniversary of the Vikings' arrival in the New World.

• (1530)

The 1999 Canada Winter Games held in Corner Brook were also a tremendous success. Praised as being one of the best Games ever, the events showcased the province to television viewers and visitors from across the country.

The success of the Canada Winter Games, honourable senators, serves as a great example of one of the key areas of Newfoundland's strengths which I wish to highlight — the generous, resourceful, caring and friendly character of the Newfoundland people.

It is not trite to say that economic measures alone are not sufficient indicators of what makes a society great. Canada is not the great country it is today solely based on its economic performance. Sound and responsible economic policy is indeed quite important, and both our Newfoundland and federal governments should be commended for outstanding achievement in this area.

The greatness, however, of our province and of our country goes well beyond concerns for economic performance. The real measure of what makes us a great country in which to live, of what distinguishes us from our neighbours to the south and what sets us apart as the envy of all other countries is the great Canadian passion for understanding and caring — understanding and caring for those in society who are vulnerable, those who are less able to take care of themselves.

Honourable senators, if we are to remain the envy of the world, we must never take this for granted. We must continuously work to ensure the flame of this great Canadian passion is always fanned and never allowed to wane.

Nowhere in our great country, honourable senators, are these values better exemplified than in Newfoundland and Labrador. The quality of life enjoyed in Newfoundland defies conventional economic measures, for you cannot put a price tag on the value of community ties, you cannot put a price tag on the value of cultural expression, and you cannot put a price tag on the value of caring.

There is no doubt, honourable senators, that quality of life is directly related to the caring, giving nature of a society. In the 1997 National Survey of Giving, Volunteering and Participating, the people of Newfoundland and Labrador once again showed themselves to be among the most generous in Canada. More than one-third of the population gave of their time volunteering for charitable causes. Newfoundlanders had the highest rate of making financial contributions to charities in Canada, with 84 per cent of the population over 15 years of age giving to help others.

This generosity of spirit, often in difficult times, can be found deeply rooted in Newfoundland's history. It is born of a people who, for 500 years, have known great adversity, a people who have used that great adversity to bind and not to separate.

The great Newfoundland poet E.J. Pratt illustrates this great adversity and the need for a caring society in his wonderful poem *Erosion*:

It took the sea a thousand years. A thousand years to trace.
The granite features of this cliff.
In crag and scarp and base.
It took the sea an hour one night.
An hour of storm to place.
The sculptures of these granite seams.
Upon a woman's face.

Honourable senators, while there are many positive things happening today in Newfoundland and Labrador, there remain many challenges to be faced and problems to be overcome. It is very encouraging to hear in the Speech from the Throne that the Government of Canada is committed to addressing many of these concerns. There are two concerns in particular on which I wish to comment.

The first is the problem of out-migration. Many families in Newfoundland and Labrador know the pain of losing friends and family to other parts of Canada and the world. Although the population decline as of July 1 this year was the lowest it has been since the closure of the ground fishery, it is still too high. It is encouraging to note that Premier Tobin and his government are sensitive to this concern and committed to improving it.

It is encouraging as well, honourable senators, that the Government of Canada in the Speech from the Throne has committed not only to work at keeping our youth in Canada but to make Canada known as the very best place to be in the 21st century, a place where the best and the brightest from the rest of the world will want to come.

These commitments to put money towards research, innovative business and skills will go a long way towards enabling our young people in Newfoundland and across Canada to remain at home to pursue their dreams.

A related challenge, honourable senators, is the need to continue to improve the quality and availability of educational opportunities for our youth. Young Canadians in Newfoundland and elsewhere hope to make the most of new opportunities to make it on their own. They cannot do this without the right kind of educational support.

In 1999, Memorial University of Newfoundland celebrates its fiftieth anniversary as a degree-granting institution. Over the course of those 50 years, Memorial University has played a vital role in the development of Newfoundland and Labrador. Although access to the quality education provided by Memorial and Canada's universities and colleges has broadened over the years, many students in Newfoundland and across Canada are prevented from undertaking post-secondary studies because of financial barriers such as insufficient funding and high tuition. Many others are forced to end their studies before completion because of problems such as huge student debt loads.

I know those problems, honourable senators, and I know them firsthand. Without the great opportunity afforded me in the 1960s by then premier Smallwood and his government's program of free tuition, I doubt that I would be addressing you in this chamber today.

Fortunately, many of the investments geared towards improving productivity and combating the out-migration announced in the Speech from the Throne will be channelled through Canadian universities in support of research and development in areas like health care and high technology. These new resources, together with initiatives like the Millennium Scholarship Fund, will go a long way to making post-secondary education more accessible to students.

To be ready to pursue some form of advanced training, however, children need to grow up in a safe and secure environment where they are provided with the necessities of life and are encouraged to learn and get the most from their primary and secondary education.

As members of this chamber are well aware, far too many children across Canada live in impoverished conditions. Indeed, if there is but one child in Canada living in poverty, it is a blight on our great Canadian social fabric. If Canada is to succeed socially and economically in the future, child poverty must be eradicated.

As the Speech from the Throne made obvious, honourable senators, the children's agenda is the government's agenda. Throughout the speech, much attention was paid to the actions that the government will take to make a real difference in bettering the lot of this nation's children. Through expansion of existing programs like the child tax credit, the neonatal nutrition program and parental leave, our government has committed to making a real difference. One of the keys to the success of these efforts will be close cooperation with provincial governments to coordinate delivery of programs and services.

Honourable senators, when tourists come from all over the world to Newfoundland and, indeed, to the rest of Canada, a central part of what draws them is the beauty of our oceans, our forests, our mountains and our rivers.

• (1540)

To protect Canada's reputation as a place of incredible beauty and ecological diversity, more must be done to protect the natural environment, including the many species of plant and animal life whose existence is threatened by human encroachment on their habitat. We in Newfoundland, honourable senators, know better than most that when nature's balance is tipped, the effects on people can be devastating and far-reaching.

It is therefore with real enthusiasm that I welcome the government's efforts to do more to protect the integrity of our natural systems. Through measures such as moving to reduce toxic emissions and working on comprehensive endangered species legislation, Canada will be able to live up to the commitment it has to future generations to conserve our natural history.

Honourable senators, during the 1997 election campaign, the government promised Canadians that 50 per cent of the fiscal dividend would go to new spending on social priorities, while the other 50 per cent would be divided between targeted tax cuts and repayment of the national debt. In the Speech from the Throne, the government has affirmed that this commitment is on its way in the next budget. This is welcome news for all Canadians who have endured many years of decreases in programs and services without similar reductions in tax levels.

It is important as well that we not overlook the significance of paying down the national debt. Although it comes as no shock to members of this chamber, many Canadians are surprised to discover that the single biggest expenditure of the Government of Canada is interest payments on the national debt — payments which total in the neighbourhood of \$40 billion each year, money that could be put to good use elsewhere but cannot be until the debt is brought down.

A balanced approach is essential in today's global economy, an economy which is rapidly changing and extremely volatile. Governments, as a result, must be more flexible and able to take more strategic approaches to dealing with challenges. This is essential if we are to adhere to those values that separate us from the rest of the world.

As parliamentarians, we must exhort and encourage all levels of government to be ever mindful of those great Canadian values that set us apart, for while there continue to exist disadvantaged individuals in our society, while there are underprivileged children in our society, while there is a lack of sound health care for the sick and elderly in our society, and while there are shortcomings and, indeed, failures in our educational systems to deliver equal educational opportunities to all Canadians, then, as members of that society, we are all diminished.

The great English poet John Donne put it best in his rather short but poignant poem, "No Man is an Island." As members of our great Canadian society, I urge all honourable senators to listen to the last lines of that poem and to ever let them tweak the collective Canadian consciousness that must always be tweaked if we are always to remember those values that set us apart:

And therefore never send to know for whom the bell tolls:
It tolls for thee.

The continued adoption of the kind of approach to public policy this government has taken will be critical if government is to retain a positive and caring role in the 21st century. I am excited about the initiatives put forward in the Speech from the Throne and about the possibilities that exist for Newfoundland and Labrador, and Canada, as we head into the 21st century.

Honourable senators, I look forward to working with each of you in doing our part in ensuring that Canada really is the very best place to live in the 21st century.

On motion of Senator Boudreau, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Thursday, October 14, 1999, at 9 a.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTIONS OF PRIVILEGE

The Hon. the Speaker: Honourable senators, two honourable senators have indicated they wish to proceed with their questions of privilege. Of course, if that is the wish of the Senate, I am quite prepared to recognize them. However, I wish to point out that I have already ruled on both questions of privilege and that the Senate has agreed to the motions proposed by both senators that these questions of privilege be referred to the Standing Committee on Privileges, Standing Rules and Orders. If it is the wish of the Senate, the honourable senators could simply repeat the motions that were passed in the previous session. However, if it is the wish of the honourable senators to speak, quite obviously they are free to do so.

Hon. Anne C. Cools: Honourable senators, I should like essentially to articulate exactly what His Honour has just said. Both questions of privilege were raised under rule 43, His Honour had made a decision, the sense of the house had been taken, and the matter had been referred to the committee. I believe that what is required is simply a renewal or confirmation that the sense of the house is still the same and that, with leave or under rule 59(10), the two senators simply be permitted to move their motions forthwith.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as a proponent of one of the questions of privilege raised in the last session, I would be happy to proceed in any way the honourable house wishes to proceed. However, there are at least two schools of thought around whether a question of privilege that is raised continues to be a privilege before Parliament when there is a prorogation of Parliament. My personal interest is simply operating on the principle of having greater surety. I believe this to be a very serious matter of privilege, and I believe there was agreement with that in this chamber before prorogation. Indeed, His Honour had found there to be a *prima facie* case of breach of privilege. However, because there are two schools of thought, I wanted a greater degree of certitude, and thus I proceeded to give oral notice.

If honourable senators agree, I could speak briefly to the matter and His Honour could find, if he still is of the same view, that there is a *prima facie* case. Then there would be no doubt and the appropriate motions could be made to refer the matter to the committee once it is formed.

The Hon. the Speaker: If I hear no contrary opinion, then I will recognize the Honourable Senator Andreychuk.

Hon. A. Raynell Andreychuk: Honourable senators, I, too, wish to ensure that my motion and this question of privilege not be lost. I do not intend to go through the material in any great detail. I simply want to refer honourable senators to what I had said on September 14. The *National Post* had published unauthorized drafts of the Aboriginal Peoples Committee report. There were a number of outstanding drafts; obviously, these came to the attention of the newspaper. I want to make it clear that at no time am I making any comment about the fact that the newspaper published the draft reports. My question is: Who

leaked or gave these draft reports inappropriately to the newspaper or to other unauthorized persons?

For the sake of brevity, I need not reiterate what I have said. All the comments I intended to make, I made on September 14. I simply wish those to be included in this motion. The documents that were tabled then spoke for themselves, and I trust that the ruling will be the same and that I can then proceed with the motion to have the matter referred to the Standing Committee on Privileges, Rules and Orders.

SPEAKER'S RULING

The Hon. the Speaker: If no other honourable senator wishes to speak on the question of privilege, my ruling is the same as the one that I gave on September 14. I recognize that a *prima facie* case has been made and it is in order for the honourable senator to proceed with her motion. However, I wonder if we might amend the motion a little. In view of the fact that the committee is not yet constituted, we cannot proceed to refer it to a non-existing committee. Perhaps we could add to the motion that, "Once the committee of selection is established, this matter be referred to the committee."

Is it agreed?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I attended a meeting this morning at 9:30 a.m. that went very quickly. Could we know why they did not strike that committee this morning? The meeting to strike committees began at 9:30 a.m. and then quickly adjourned. When can we expect the other committees to be struck?

The Hon. the Speaker: Honourable senators, I regret that I cannot answer that question. However, I see the Deputy Leader of the Government standing.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I am not sure about whether or not the question is in order. It would be in order during Question Period, but let me volunteer an answer now.

The committees that were struck today were struck to accommodate the fact that both committees have immediate work to do. The Standing Senate Committee on Foreign Affairs is in the process of completing an important report which is referred to in the notice of motion. The Standing Senate Committee on Transport and Communications wishes to deal with the issue of the airlines under the Canada Transportation Act, in particular, section 47.

We are early in the session, and it is the desire of leadership on this side to give fuller consideration than we have been able to give to the membership of the committees that the Committee of Selection will be striking. Meetings will begin as early as tomorrow on that subject. That is the answer, Senator Prud'homme.

REFERRED TO THE STANDING COMMITTEE ON
PRIVILEGES, STANDING RULES AND ORDERS

Hon. A. Raynell Andreychuk: Honourable senators, then I will move:

That the question of privilege concerning the unauthorized release of working drafts of a report of the Standing Senate Committee on Aboriginal Peoples be referred to the Standing Committee on Privileges, Standing Rules and Orders when that Committee is established.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, to be accurate, the Selection Committee does not restructure a committee, the Senate of Canada restructures them. The wording should be, "once the committee has been set up by the Senate of Canada on report of."

The Hon. the Speaker: Honourable senators, is it agreeable that we amend the motion to convey exactly that?

Hon. Senators: Agreed.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I do not wish, so early in the session, to invoke the *Rules of the Senate* because my good friend Senator Hays says that he is not certain that the question is in order.

It is completely out of order. Yesterday, I opposed adoption of the motion on appointments to the Committee of Selection. I will read you what was decided:

That pursuant to rule 85(1), [...] be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore*; and (b) the Senators to serve on the several select committees during the present Session and to report with all convenient speed the names of the Senators so nominated.

This they did, most promptly. They selected the members of two committees. I am not out of order with what I have just said. The motion was agreed to on division yesterday, because there was perhaps a misunderstanding, and I am prepared to accept that. I am not a child. In my opinion, this morning's meeting was called to nominate the members of all the committees.

That the leaders on both sides of the chamber decided to nominate the members of only two committees is not a problem for me. But to move from that to the conclusion that I am out of order, I disagree with. All one has to do is to carefully reread the motion agreed to yesterday, when I thought it was going to be today. I could have debated these matters just now, but I preferred to wait for tomorrow.

I am not out of order in stating that the Committee of Selection sat this morning and could have nominated the members for all the committees. In its wisdom, it decided to nominate members for just two committees. Senator Hays is right, therefore, but so am I.

The Hon. the Speaker: Honourable senators, I am not going to determine who is right and who wrong. I just want to point out to you that consideration of the reports of the selection committee has been deferred until tomorrow. You will then have an opportunity, during consideration of the first and second reports, to put forward your proposal.

The Senate now has before it the motion by the Honourable Senator Andreychuk, seconded by the Honourable Senator DeWare:

That the question of privilege concerning the unauthorized release of working drafts of a report of the Standing Senate Committee on Aboriginal Peoples be referred to the Standing Committee on Privileges, Standing Rules and Orders when that Committee is established.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. senators: Agreed.

Motion agreed to.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I raised a question of privilege in the last session on September 8 concerning what we apprehend to be possibly a serious breach of privilege involving a witness, one Dr. Shiv Chopra, who appeared on three occasions before the Standing Senate Committee on Agriculture and Forestry, and his allegation that he received disciplinary action from his employer as a result of his testimony before the committee. His Honour ruled on September 9 that there was a *prima facie* case and the matter was referred to the then Standing Committee on Privileges, Standing Rules and Orders for investigation and report.

As we indicated a few moments ago, the matter of privilege is brought in for the greatness of certainty and I would ask that His Honour find, as he found before, that a *prima facie* case of privilege exists. If His Honour so decides, then I would be prepared to move an appropriate motion.

SPEAKER'S RULING

The Hon. the Speaker: If no other honourable senator wishes to speak on the question of privilege, I am prepared to rule now.

As I ruled on September 9, in my view, the honourable senator did establish a *prima facie* case and can therefore proceed with the motion referring the matter to committee.

REFERRED TO STANDING COMMITTEE ON
PRIVILEGES, STANDING RULES AND ORDERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I move:

That the question of privilege in respect of a witness who appeared before the Standing Senate Committee on Agriculture and Forestry be referred to the Standing Committee on Privileges, Standing Rules and Orders, when that Committee is established, for investigation and report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until tomorrow, Thursday, October 14, 1999, at 9:00 a.m.

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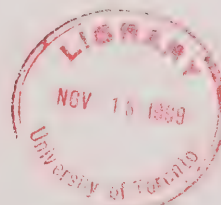
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OFFICIAL REPORT
(HANSARD)

Thursday, October 14, 1999

—

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Thursday, October 14, 1999

The Senate met at 9:00 a.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

FISHERIES AND OCEANS

MARITIME PROVINCES—SUPREME COURT DECISION UPHOLDING NATIVE FISHING RIGHTS

Hon. Lowell Murray: Honourable senators, I ask for your indulgence while I say a word about the situation in the East Coast fishery. The latest development — and I confess that I am relying almost exclusively on media reports this morning — is that the chiefs appear to have renounced the 30-day moratorium to which they had earlier agreed.

Again, relying on media reports of the debate in another place last night, it appears that the Minister of Fisheries, Mr. Dhaliwal, was caught unaware by this development, as indeed the government had been caught flat-footed some four weeks ago by the decision of the Supreme Court of Canada.

This morning on CBC radio, I heard one of the chiefs saying, and I think I am quoting him almost word for word: We, the chiefs, reserve the right to regulate our own fishery.

Far be it from me, honourable senators, to pose as a legal expert, still less as an interpreter of the Supreme Court of Canada decision, but the assertion by one of the chiefs this morning that they reserve the right to regulate their own fishery is, in my humble opinion, contrary to the judgment brought down by the Supreme Court of Canada. The majority decision written by Mr. Justice Binnie refers to:

...the narrow ambit and extent of the treaty right.

He writes:

The treaty right is a regulated right and can be contained by regulation within its proper limits. Catch limits that could reasonably be expected to produce a moderate livelihood for individual Mi'kmaq families at present-day standards can be established by regulation and enforced without violating the treaty right. Such regulations would accommodate the treaty and would not constitute an infringement that would have to be justified under the *Badger* standard.

Honourable senators, it seems to me that those statements constitute an invitation on the part of the Supreme Court of

Canada to the government to bring in regulations. When the judge refers to regulations and catch limits and the imposition of regulations, one must assume that he is speaking of regulations which would be brought in by the government.

Approximately two weeks ago, the Prime Minister was heard to say that the government was considering asking the Supreme Court for a stay of its judgment. More recently, the Minister of Fisheries rounded on opposition members who were asking for the same thing. I assume that the option of asking for a stay of the judgment has been considered and rejected by the government and that that option is no longer open. It seems to me, therefore, that the only course now open to the government is to bring in legislation and/or regulations.

Further, the government will have to consider referring these regulations directly to the Supreme Court of Canada to ensure that they are consistent with the Supreme Court of Canada judgment. I doubt very much that anything less will be acceptable to the aboriginals. Any set of regulations that is brought in is bound to be contested and will have to go through the entire judicial process from bottom to top. It strikes me as prudent for the government to refer any such regulations to the Supreme Court of Canada.

• (0910)

Honourable senators, I make these points simply because the situation is going from bad to worse day by day. One does not want to be alarmist, but we are all familiar with the incidents of violence and those verging on violence that have taken place in the region. A legal vacuum has been created by the Supreme Court of Canada. Others have moved into that vacuum, and it appears to me that we are on the verge of chaos.

PERSONS AWARDS 1999

Hon. Catherine S. Callbeck: Honourable senators, I rise today to highlight that Monday, October 18, 1999, is Persons Day. It was this day in 1929 that the British Privy Council decided that women were "persons" under Canadian law and, therefore, eligible for appointment to the Senate.

This decision was rendered after a lengthy legal and political struggle waged by Emily Murphy, Nellie McClung, Louise McKinny, Irene Parlby and Henrietta Muir Edwards — five Canadian women more commonly known as the Famous Five.

Since 1979, in commemoration of the Persons Case, Governor General's Awards are presented on or around October 18 to candidates who have made an outstanding and lifetime contribution to the advancement of women.

I am proud today to tell this chamber that one of this year's five recipients is Anne Marie Perry from Tignish, Prince Edward Island. Anne Marie is an outstanding Islander who has made and continues to make a tremendous contribution to her community, her province and her country. She is the second Islander to receive this prestigious award. Helen Yeo of Charlottetown, Prince Edward Island, won this award in 1986.

At the local level, Anne Marie has broken down barriers. She has acted as a role model by taking on jobs previously reserved for men, such as the Chair of the Tignish Village Commission or her work with the Royal Canadian Legion.

At the provincial level, she identified and supported program changes to enhance the opportunities of women during her term as member and chairperson of the Appeals Board for Social Services of Prince Edward Island.

At the national level, Ms Perry was an active member of the Canadian Advisory Council on the Status of Women from 1981 to 1986.

Anne Marie shares the spotlight this year with four other recipients: Ms Bertha Allen of Inuvik, Northwest Territories; Ms Maria Eriksen of Calgary, Alberta; Ms Enid Page of Aylmer, Quebec; and Dr. Bette Stephenson of Richmond Hill, Ontario.

Honourable senators, all five of this year's winners should be congratulated for their outstanding work in their various communities in the advancement of women.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Following on the statement by Honourable Senator Callbeck, I can advise honourable senators that the presentation of Governor General's Awards normally takes place at Rideau Hall and is always followed by a dinner held here in the Senate by the Speaker of the Senate. This year, it was decided to have the awards presented in Calgary because Alberta was the site where the five women were then located. The presentation will be held next Monday in Calgary. I shall be present on behalf of the Senate, and all honourable senators who wish to attend are invited. If you require more detail, please contact my office.

ROUTINE PROCEEDINGS

BUSINESS OF THE SENATE

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 2, 1999, at 2 p.m.

[Senator Callbeck]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I will not conceal the fact that this extended adjournment disturbs me considerably. We have just come back. I would have liked to see the Senate sit, if not next week, at least the following one. I cannot understand why the Senate committees have not already been established.

These various committees could have undertaken some extraordinary work. The Transportation and Communications Committee and the Foreign Affairs Committee should have been sitting today.

[English]

POINT OF ORDER

Hon. Sharon Carstairs: On a point of order, honourable senators, with respect, it is my understanding that this is a non-debatable motion.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): It is not even a motion.

The Hon. the Speaker: Honourable senators, leave was granted to move a motion.

Hon. Marcel Prud'homme: That is right.

The Hon. the Speaker: The motion is before the Senate. My understanding is that, leave being granted, it then becomes a debatable motion. I agree that normally an adjournment motion is not debatable.

Senator Kinsella: It is a notice of motion.

The Hon. the Speaker: There was a motion to adjourn to a later date. I have not consulted the rules, but given that leave was granted, I believe it is debatable.

Senator Kinsella: Honourable senators, we are under Government Notices of Motion. A notice of motion was given, and there is no debate.

The Hon. the Speaker: Honourable senators, leave was granted by the Senate, which changes the position of that motion. It is no longer simply a notice of motion if leave is granted. However, if there is discussion on the matter, I am prepared to take it under advisement and come back with a formal statement.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have heard His Honour and others, and I am quite happy to hear from Senator Prud'homme and respond to his concerns, if that is in order.

Senator Prud'homme: Honourable senators, I will not abuse your kindness. I will be brief.

I now know who I will have to tackle on issues relating to the *Rules of the Senate of Canada* — the former deputy leader. It appears that now she will take on the job of reading the rules. I can inform her that I shall soon know the book by heart, and we will have an interesting debate in the future.

Senator Hays: Honourable senators, unlike some, I have not spent a great deal of time on the rules of this chamber.

In response to Senator Prud'homme's comments, I would first observe that the Senate did recently sit for two weeks — the first two weeks in September. Its committees sat the two weeks prior to that. Therefore, we have been at work, but I am not sure that is the honourable senator's concern.

Senator Prud'homme: I was there.

Senator Hays: On the issue of the work of the Senate, our objective today, on which I will comment under the next order of business, is to, as quickly as possible, see two committees of the Senate brought into existence — namely, the Standing Senate Committee on Transport and Communications and the Standing Senate Committee on Foreign Affairs. Those committees will be sitting next week if they do come into existence and are struck. Therefore, we will be at work in that respect.

● (0920)

Traditionally, the balance of committees has been the subject of some discussion between the government and the opposition side. There are issues that need to be discussed, and I say that, not so much as an excuse, but simply as an observation. For instance, I came to this position of Deputy Leader of the Government in the Senate fairly recently. I have not had an opportunity to discuss with senators on this side the assignment to committees.

Inevitably, other issues, which I would rather not get into now, will arise in the course of those discussions with the Deputy Leader of the Opposition and other honourable senators.

Accordingly, this period will be used, I hope profitably, to resolve those issues, and when we return, we will be in a position forthwith to vote the committees into existence. To the extent that we are unsuccessful, the Senate will help us to resolve them. However, I am optimistic that we shall be in full business mode the day after November 2, and then the committees can meet, elect chairs and call their first meetings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

Senator Hays: Honourable senators, I wonder if I might speak now. This is an unusual day in that we do not have much business on the Orders of the Day.

The Hon. the Speaker: Honourable senators, is leave granted for the Honourable Senator Hays to speak now?

Hon. Senators: Agreed.

Senator Hays: I wish to ask if it would be in order to deal with the matters arising on the Order Paper under "Report of Committees", the reports of the Selection Committee, and following them, the motions in respect of the terms of reference to be referred to the Foreign Affairs and Transport committees.

Senator Kinsella: Honourable senators, when we proceed to Orders of the Day, the opposition agrees that that is a good suggestion.

The Hon. the Speaker: Is it agreed, honourable senators, that when we reach the Orders of the Day, we will proceed in that manner?

Hon. Senators: Agreed.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

CANADIAN DELEGATION TO SPRING SESSION OF NORTH ATLANTIC ASSEMBLY HELD IN WARSAW, POLAND—REPORT TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the first report of the Canadian NATO Parliamentary Association which represented Canada at the spring session of the NATO Parliamentary Assembly held in Warsaw, Poland, May 27 to 31, 1999.

SHELTER STRATEGY FOR ABORIGINAL PEOPLES

NOTICE OF INQUIRY

Hon. Thelma J. Chalifoux: Honourable senators, pursuant to rule 57(2), I give notice that at the next sitting of the Senate, I will call the attention of the Senate to the shelter strategy for aboriginal peoples.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before proceeding to Orders of the Day, I wonder if, during our break, His Honour could help clarify the situation we were in earlier.

As I understand it, the Deputy Leader of the Government asked for leave to introduce an adjournment motion. Leave was granted. Then Senator Prud'homme began discussing it and some of us felt it was a non-debatable matter because leave had been granted. The item was introduced under Routine Proceedings.

I do not wish to debate the motion today, but it would be appreciated if we could have some clarification on when during Routine Proceedings debate is allowed, if it is at all. Obviously, we know when it is not.

I raise that issue in the hope that in the future we will not have to go through the confusing few minutes we did earlier.

The Hon. the Speaker: I thank the Honourable Senator Lynch-Staunton for raising this matter. I assure him that the matter will be addressed. I have already asked the staff to review the precedents on this question. It is a matter on which we must be clear, and when we return I trust that we will have that information.

COMMITTEE OF SELECTION

FIRST REPORT ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection (membership of Transport and Communications Committee), presented in the Senate on October 13, 1999.—(*Honourable Senator Mercier*)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that this report be adopted.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I would not have had to speak at all if we had had Senator Hays' explanations right from the start. He has told us exactly what I wanted to hear, except that he did not tell us this in advance. I now have the assurance that the committees will be meeting next week. This has hastened the striking yesterday of the Transport and Communications Committee and the Foreign Affairs Committee, which have top-priority work to get started on. Senator Hays is assuring us that they will be sitting next week, and I am very pleased with that. I hope that the Transport and Communications Committee that was struck yesterday will move on to selecting its chairman and will start work as early as next week. There are legal deadlines that have to be met on this very important question.

I am calling upon not only the senators from Quebec but also those from Eastern Canada. The decision to be reached on the Onex project will impact heavily upon us. It does not affect only Quebec. I am not that narrow-minded.

[*English*]

I am not parochial. I should hope that this committee will get its act together fast so that we can sit next week in order that we might have something to say prior to the Supreme Court decision which could affect the future of Air Canada.

If there is something that should be close to the Liberal heart, it is Air Canada. After all, we should all remember that it was Jean Chrétien who introduced the first private member's bill in this regard, and it was passed by Parliament. Air Canada used to be known as Trans-Canada Airlines. Out of nowhere, he succeeded years ago. He was a young freshman. In fact, he surprised himself when he later succeeded in having Trans-Canada Airlines transformed into Air Canada Airlines, which then became famous around the world.

If I had been given this assurance before, I would not have had to have this exchange and Senators Lynch-Staunton and Kinsella would not have had to go through agony as to the interpretation of the rule. His Honour would have been free to work on other matters, rather than having to determine whether or not we are correct.

Motion agreed to and report adopted.

[*Translation*]

• (0930)

SECOND REPORT ADOPTED

The Senate proceeded to consideration of the second report of the Committee of Selection (*composition of the Foreign Affairs Committee*), presented in the Senate on October 13, 1999.—(*Honourable Senator Mercier*)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Marcel Prud'homme: Honourable senators, the last time I intervened on a similar subject was during the Speech from the Throne by a former governor general. When the Leader of the Government in the Senate moved the motion to strike the Committee of Selection, I said "motion". I was a new senator.

[*English*]

Wait a minute, that is debatable. So I got up in front of this magnificent audience. To my surprise, no one left. Everyone listened to my interpretation of that rule that day. I said that the Committee of Selection should remember that there are senators who came to the Senate in the hope of serving Canada well, including by sitting on committees.

I reminded the Committee of Selection that there were at that time three independent senators, although I do not like the word "independent". I prefer "non-aligned". I choose to be non-aligned for the time being.

The problem is growing because there are now five such senators, three of whom are very interested in working on committees. We have not solved the problem.

Two reports died on the Order Paper. Years of work went into those reports. We want to show the world how democracy works. We want to help to keep Canada together. We want to ensure that people understand what "First Nations" means. We want to show respect for minorities, religious or otherwise. Yet, we cannot even decide what to do with five so-called independent senators. This is a shame. Some hanky-panky has taken place over the past six years to avoid making a decision, although I will not give the names of the senators involved.

I am not saying that non-aligned senators have more rights than Senators Lynch-Staunton, Kinsella and others. I am, however, saying that we have no less rights than Senators Carstairs, Graham and others. We are all equal, and that is the view of Senator Atkins and especially of Senator Lynch-Staunton.

If senators are all equal, they should be given the opportunity to sit on committees. I do not say that they should be given first choice. I am ready to accept that I will not be given my first choice. I am secretly told by many here that I am right.

I am giving notice, as the rules require. As His Honour knows, when I intend to do something, I do it.

Approximately five years ago, I reminded the committee of what took place. This year, I gave my word to some people here in the Senate that I would not repeat that performance, that I would not get up today and make a speech. I will not say that I was double-crossed, but it is close to that.

When His Honour put the motion, I rose to my feet and said "no". I received so many comments on that short speech. I could not believe that simply saying "no" could attract so much attention. I had given my word that I would not speak that day, with the understanding that we would proceed yesterday. I thought that was fair so I accepted.

Let us look at what happened. The Committee of Selection selected members for two committees. My remarks are not directed at anyone personally, but I am tired of people who play games. Some people will lose credibility.

There was a fabulous article in *Quorum* yesterday written by a woman I have known for many years, Senator Finnerty, who is a new senator. In her article she said that she is proud to be in the Senate because she values Senate committee work and the detailed, scholarly reports generated. She quoted Senator Croll, Senator Davey, and others. She says that the Senate is all about committee work and continuity to serve Canada better.

You will not hear this speech too often because I am getting sick and tired of it. If I am asked to go to work for the Government of Quebec, I will. I have better things to do than waste my time here. I came here because I believe that Canada is under attack. I came because I think we can show the rest of the world that we can make a difference. I hate the hypocrisy of saying that this is the best country in the world when those who are willing are not being allowed to work to maintain that reputation.

I have an understanding of First Nations. It is not Quebec that will cause this country to explode, if it does explode. We must pay more attention to our First Nations. I am a close friend of the Nisga'a in British Columbia and I will defend them here in debate.

• (1940)

Honourable senators, what happened here on Tuesday? A Committee of Selection was appointed. Yesterday, I attended the first meeting of that committee expecting to hear that it would not be able to deal with the issue of independent senators, which is something I do not mind, for the time being.

The members of the Committee of Selection can affect the life of a senator over the course of the next two years. It is an important committee because, technically speaking, these nine senators decide to which committees certain senators will be appointed. I arrived at the committee yesterday to find that one of the nine was not there. He had sent a substitute.

Honourable senators, I will not name names. Do you not see how kind I am? Senators will have to do their own research to find who it was.

If someone accepts a job, they do their job. Females in the Senate have proven that they are much better at that than the majority of males in the Senate. They are most attentive to their work and are often present.

I remember when the Subcommittee on Veterans Affairs sat in February 1998. Neither the Senate nor the House of Commons was sitting. Three Liberals were in attendance at the committee — they were all women. The leadership of the Senate could not find a man to sit on the committee.

I could take word for word what the Honourable Senator Carstairs said when she replied to my earlier question. I asked, "What were the criteria involved?" She stated that she was the first to write about gender when she wrote a report on parliamentary associations in 1993 and that the delegations used to be completely male. On that note, I point out that I was replaced by Senator Finestone for a couple of years. However, I am still waiting to get back to my favourite association.

Honourable senators, I do not know how and when the chamber will make a decision on these two reports. Every time a senator is stuck on television or stopped by a group of students, journalists or otherwise, what do we say? We talk about the importance of the parliamentary committee. That is true. It is something in which I believe. However, that should be the reality.

I do not believe in substitution. If a senator accepts a position on a committee, then he or she should attend all the meetings of that committee. We are not members of the House of Commons where they say to people in the corridors, "Come to the committee today, and after two years of study, there will be a final vote in committee." They do not even know on what they are voting, but they raise their hands when they see that those in the leadership are raising their hands. They have no knowledge of what took place.

Honourable senators, continuity and devotion are our buzzwords. We must put our heads together in the next two weeks to consider how to tackle the situation of independent senators. If that is not done, I will create my own committee of parliamentarians who are interested in world affairs. No one can deprive us of that.

The Hon. the Speaker: If no other honourable senator wishes to speak, it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation from the Senate of the Czech Republic. They are led by Her Excellency Libuse Benesova, President of the Senate. The delegation is accompanied by His Excellency Vladimir Kotzy, Ambassador of the Czech Republic to Canada.

Hon. Senators: Hear, hear!

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY ORDER IN COUNCIL
ISSUED PURSUANT TO THE CANADA TRANSPORTATION ACT
TO ALLOW DISCUSSIONS ON PRIVATE SECTOR PROPOSAL
TO PURCHASE AIR CANADA

Hon. Dan Hays (Deputy Leader of the Government),
pursuant to notice of Wednesday, October 13, 1999, moved:

That, pursuant to subsection 47(5) of the Canada Transportation Act, the order laid before this Chamber on September 14, 1999, authorizing certain major air carriers and persons to negotiate and enter into any conditional agreement, be referred for review to the Standing Senate Committee on Transport and Communications;

That the Committee hear, amongst others, the Minister of Transport;

That the Committee have the power to permit coverage by electronic media of its public proceedings; and

That the Committee submit its final report no later than December 15, 1999.

He said: Honourable senators, as was indicated in debate earlier in the day, our purpose in striking this committee at the earliest possible time is so that it can proceed with its work. There is a reference to the committee.

Honourable senators, I cannot add much by way of further comment at this time, but other senators may wish to comment or to raise questions. If they do, I will attempt to answer them.

Hon. Marcel Prud'homme: Honourable senators, now that the names of committee members are in, the committee must convene an organizational meeting to elect a chairman and then meet to dispose of this order of reference. Does the honourable senator know when the committee will be constituted so that it can start its work? They now have the authority to start. That is why we came back and why we allow these two committees to work, the one run by the able chairman of Foreign Affairs and now this one, under whose direction remains to be seen. Will that take place soon?

• (0950)

Senator Hays: Honourable senators, the short answer is, "Yes." It is my intention to do whatever I can to see that the committee meets to select a chair and commence its work, as early as later this day or certainly later this week.

It has been drawn to my attention that, as our adjournment motion is for two weeks, we require a motion to ensure that the committee can sit while the Senate is not sitting. I will deal with that at the conclusion of Motions.

Motion agreed to.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY CHANGING MANDATE
OF NORTH ATLANTIC TREATY ORGANIZATION

Hon. Dan Hays (Deputy Leader of the Government),
pursuant to notice of October 13, 1999, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report upon the ramifications to Canada:

1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and
2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member.

That the papers and evidence received by the Committee on the subject of this reference during the First Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee have the power to permit coverage by electronic media of its public proceedings; and

That the Committee submit its final report no later than November 18, 1999.

[Translation]

Hon. Marcel Prud'homme: This committee played a vital role.

[English]

We all know the extraordinary ability and patience of the chairman, Senator Stewart. I regret that he will be leaving us in November.

I wish to make certain that I am understood by another fine gentlemen whom I know very well, one I supported as secretary of the Liberal Party in the 1970s. I am talking about Senator Lewis. When I talked about continuity on a committee and members who just jump in at the last minute, I did not have Senator Lewis in mind. We all know that Senator Whelan left us this summer because of retirement, so he had to be replaced. Senator Lewis, whom we all know for his intelligence and ability as a great lawyer and judicious mind, has been chosen to finish that work. That is why, now that I am calmed down, I wish to make sure that I correct every step that I may have taken incorrectly. I did not have the Honourable Senator Lewis in mind when I discussed continuity and replacement of members. Of course, someone had to replace Senator Whelan, and Senator Lewis was chosen.

All the other members remain the same, and I am very happy. If I had been on that committee, I would have hoped that Senator Stewart would have been re-elected chairman, in order to finish his work, with Senator Andreychuk as deputy chair.

That is why I gave my consent on Tuesday not to speak. We have invested hundreds of thousands of dollars in that committee to work on that study on our behalf — and I want all honourable senators to know that. It seems only natural that the members who worked on that study should be the same ones to terminate it.

I do not know how you proceed in English. I was good in school at some matters and bad at others. I am told that I was very good at philosophy, particularly logic. Senator Taylor should not laugh so much because I campaigned for him, too, in the worst year of his career in Alberta. I can go around here and name all those who helped.

Senator Taylor: That destroys your argument that you are logical.

Senator Prud'homme: Well, I thought I would convert you to my logic.

I am very pleased that this committee has been constituted. I will attend, of course, as a volunteer, as much as I can.

Honourable senators, I have neither the authority nor the arrogance to give advice to the committee, but I hope that this committee will have all the time necessary because it is difficult work. I hope that we will not be rising in the middle of November to ask for an extension under another chairman who will have to start all the work again. I hope that the committee will take all the time necessary to finish its work so that this will become the coronation of Honourable Senator Stewart's long service to the Senate. To facilitate the committee's work, I will sit down now so that the committee can have a meeting today. I could talk on every subject on the Order Paper this morning. We should never have a 9:00 a.m. meeting because I am near my best early in the morning and at my very best very late at night.

I wish Senator Stewart luck in his work on our behalf, and I hope that the committee will have time to finish the work and to report back to the Senate under his name.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the point I should like to make is that the terms of reference which we are repeating today are lacking one key paragraph which was included in the original terms of reference which were initiated on this side but received the full support of the house. I think that it only logical that it be reintroduced.

The committee has had many hearings with various government officials, has met with senior officers of the military, some of whom were in Bosnia, with various specialists in peacekeeping, with historians, with Canada's ambassador to NATO and many of his colleagues, both civilian and military. It has met with the recently departed Secretary General of NATO and other senior officials. It has accumulated a tremendous amount of research and intelligence, much of which will help in the final report.

The key witnesses missing, by their being excluded in the terms of reference, are the Minister of Foreign Affairs, the Minister of National Defence, and the Chief of Defence Staff, who are the most logical witnesses to call prior to winding up the hearings. I should therefore like to move an amendment which I hope will receive the support of this chamber. It would follow paragraph 2 in the terms before us.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Therefore, I move, seconded by Senator Kinsella:

That the Committee hear, amongst others, the Minister of Foreign Affairs, the Minister of National Defence and the Chief of Defence Staff.

• (1000)

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I appreciate the aggressiveness of the motion as it stood in the last Parliament, according to Senator Lynch-Staunton, naming the ministers and other functionaries from whom the committee would wish to hear.

It is not included in the present reference partly because of the time frame given to the committee to report and the availability of all of those ministers and others mentioned in the original order of reference. I will listen carefully to Senator Stewart's comments, but I believe that is the principle reason for the motion being as it is.

Of course, this does not mean that the committee cannot call these and other witnesses if it wishes to do so. I am not sure why the committee has not heard from them already, other than that their work was interrupted by the prorogation.

I am not sure of the committee's intentions. I am hoping, as expressed by Senator Prud'homme, that Senator Stewart will be elected chairman by the committee. I noticed that the committee intends to commence work as early as today. It may well be that all of those listed in the original reference will be called and heard. It may be that, for reasons beyond the control of the committee and the Senate, some of those named will be unavailable. It could cause a problem when we come to the November 18 reporting date, as I understand the *Rules of the Senate*.

Those are the reasons for the motion being in its present form. I look forward to Senator Stewart's comments and will listen carefully to what he has to say.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as the seconder of the main motion, I find this amendment to the main motion to be a good amelioration of the motion. I accept it as a friendly motion. It is not limiting but, rather, inviting the committee to hear, *inter alia*, from the Minister of Foreign Affairs, the Minister of National Defence and the Chief of the Defence Staff.

Given the work record of the committee during the previous session and the quality of work of the committee, I would be very surprised if the committee would not consider it necessary for the completion of their work to hear from those three personages in particular. I, too, look forward to hearing the comments of Senator Stewart.

Hon. John B. Stewart: Honourable senators, there is a presumption as to a decision concerning the committee's chair, to be made by the committee when it meets that may or may not be valid. However, let us put that aside.

I agree with Senator Lynch-Staunton that the committee has done extremely intensive and valuable work. The work done in the last session certainly pointed to the necessity of hearing from the Minister of Foreign Affairs. It pointed, though perhaps less imperatively, to the need to hear from the Minister of National Defence. The same would apply in the case of the Chief of the

Defence Staff. In other words, I agree entirely with the substance of Senator Lynch-Staunton's motion in amendment.

I shall add another reason as to why I think these three should be heard by the committee. The Speech from the Throne, delivered earlier this week, creates almost a necessity that the ministers be heard. Let me repeat the words from the Speech from the Throne. Her Excellency said:

The Government will give increased prominence to human security in its foreign policy, working to achieve meaningful progress in the councils of the world on a global human security agenda.

We have heard language like that before from the present Minister of Foreign Affairs, but now we have it from the Governor General speaking on behalf of the government. It is clear that the committee will need to hear from Mr. Axworthy when the committee gets to that phase of its work.

Another paragraph in the Speech from the Throne demands attention, and again I quote:

The Government will also continue to ensure that the Canadian Forces have the capacity to support Canada's role in building a more secure world and will further develop the capacity of Canadians to help ensure peace and security in foreign lands.

It seems to me that the person from whom the committee needs to hear on that topic is the Minister of National Defence and the appropriate person from the department.

Honourable senators, the substance of Senator Lynch-Staunton's motion in amendment has been fortified by what we heard in the Speech from the Throne. The committee is in a position to ask pertinent questions as to the implications of this new emphasis on human security as a goal of Canada's foreign policy. There is now a new kind of peacekeeping which has little directly to do with the maintenance of sovereign states, a kind of peacekeeping that may require new kinds of peacekeepers. That, presumably, has implications for the nature of our own Armed Forces and for our expenditures on the forces. I cannot see how the committee can report without having heard these witnesses — certainly the two ministers. However, I cannot speak for the committee.

I then come to the Honourable Senator Hays' point. I did not suggest November 18 as the reporting date for the committee. Again and again I have said that the fact that I am to retire on November 19 ought not to distort the work of the committee. Nevertheless, the date of November 18 is in the motion.

The problem that confronts the government leadership in this house is that the Senate might very well be put in an impossible position or situation — on the one hand, an early deadline, and, on the other hand, an insistence that three particular officials be heard. If there is that insistence, the deadline should be regarded as flexible. Otherwise, we may be in a bad jam.

• (1010)

Honourable senators, I believe it is the committee's intention to hear from at least the two ministers and probably the official to whom reference has been made. I do not think there is any question about that.

In a sense, the problem confronting us is one of form, namely, can we do it in the time available? If that provision is in there, it may well be that the committee will need to seek an extension beyond November 18.

That is the situation as I understand it, honourable senators.

Hon. Nicholas W. Taylor: Honourable senators, I should like to take a moment to speak in support of the motion in amendment from the other side. To ask the committee to make a report without the input of the Minister of Foreign Affairs, the Minister of National Defence and the Chief of Defence Staff — Senator Stewart, being an old Scotsman, would understand — would be like eating porridge without any salt.

As one who took umbrage at the actions in Kosovo earlier this year, it is important to understand the reasoning behind our role in foreign affairs and our reasoning in the future.

Honourable senators, I recently gave a speech on behalf of the Honourable David Kilgour, Secretary of State for Latin America and Africa, to a graduate class of political scientists in Calgary. Mr. Kilgour allowed me the freedom to use my own words. I took the liberty of speaking along the lines of what Senator Stewart has already mentioned — namely, that the future is empowered much more in personal or human security than it is in national security. Most of the wars fought in the last 20 years have been civil wars, not one state against another.

Outside the UN, are we to be committed in the future to organizations such as NATO, which may take military action that has not been approved by Parliament? It is almost the same as changing the pension scheme or something less important than that. It is almost like an Order in Council; we commit our soldiers. In the case of Kosovo, where is the logic in committing our services to bomb innocent women and children merely because they elect the wrong person to lead the government?

I know that I am using this opportunity to reopen the issue of Kosovo, but I do not apologize for that. Although I am not a member of the Foreign Affairs Committee, I do plan to attend sometimes and ask questions of the various witnesses.

Honourable senators, I see nothing wrong with asking for an extension beyond November 18. I have been on three committees, and all three asked for extensions that were granted. With an issue as important as the army being used to perform police actions without parliamentary approval, why should that not be looked at closely? The deadline of November 18 is completely artificial.

I support the motion in amendment wholeheartedly.

Hon. A. Raynell Andreychuk: Honourable senators, I believe the motion in amendment would help the committee because it would show the will of the Senate to encourage the ministers to come to the committee.

I fully appreciate the difficulty a chairman may have in asking ministers to testify during busy schedules, but if it is in the mandate, it strengthens the chairman's hand.

If there is a compelling reason a minister or the Chief of Defence Staff cannot appear before the committee, as we have intended to call them, what to do should be left to the discretion of the committee at that point. Should we come back for an extension of our mandate, or are we relieved of that term in our report? I believe that is the way to deal with the issue.

I happen to like the words in the mandate because they strengthen the chairman's hand.

Senator Hays: Honourable senators, having listened to the debate, we on this side will accept the amendment that the committee hear those additional witnesses.

On the issue of the reporting date, as a committee chairman, I never had a problem coming back to this chamber to ask for an extension of time to deal with a reference, and I am sure that will be the case for the Foreign Affairs Committee if it needs an extension.

Hon. Marcel Prud'homme: Honourable senators, we are in the same position now as we were in 1984 when it was the wish of the government to create a peace and security institute. Everyone said it was impossible. Many people did not wish to create that peace and security institute because they said it was a gift to the departure of former prime minister Trudeau. I did not agree with that.

I was chairman of the national defence and foreign affairs committees in the House of Commons at that time, and we had 30 members to organize. We went against the clock. By "against the clock" I mean that if we think this work is important, we will have to ask the members of the committee for extra work days. Nothing ensures continuity better than sitting five days a week.

If the committee sits only here and there, from experience we know that it will not have time to do all it has to do, such as drafting a report. Arrogance is not a card I carry in my pocket, but I am not tutoring, either.

Under the leadership of the Honourable Senator Stewart, if services are concentrated, the committee could sit during the day and all the various documents could be produced and translated during the night. If there is a will, I am sure they can accomplish what Senator Lynch-Staunton has asked and what Senator Stewart wishes to accomplish. However, that cannot be done if the committee sits only two or three days a week or two afternoons. There is nothing wrong in starting Monday afternoon or Monday evening.

I should like very much to see the deadline met so that this report will be the Stewart report. If the committee does not meet that deadline, then it will ask for an extension.

In order to have something concrete in our hands, it would be a good idea to come up with a report by the deadline, if at all possible. Only in the extreme case should the committee consider asking for an extension.

Senator Lynch-Staunton: Honourable senators, I seek leave to speak again to this matter.

The Hon. the Acting Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

• (1020)

Senator Lynch-Staunton: Honourable senators, I wish to thank the Honourable Senator Stewart for bolstering the argument, particularly by invoking the Speech from the Throne. That may, in turn, revise my thinking on Royal Assent, knowing that the Crown has come to my rescue.

I also wish to thank Senator Hays for giving the support of his side to this motion in amendment. I think he will find that the ministers and the Chief of Defence Staff will welcome an opportunity to appear before the committee. This is a non-partisan effort designed to help Canadians understand the new NATO, where Canada fits into it, and whether we have the resources to meet the obligations under the new NATO, which has evolved much more quickly and in a different direction than most of us realize. Kosovo was but one example. Other examples may follow, which may be even worse.

Canada must know where it stands with the new NATO. I hope and expect that the ministers and the Chief of Defence Staff will welcome the opportunity to give us the government's views, which, in turn, can be helpful in the preparation of the report that is anxiously awaited by many, both in this country and elsewhere. I know that from discussions abroad I have had on this matter. The study will help many smaller countries determine their position as well.

The Hon. the Acting Speaker: Honourable senators, it was moved by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella, that the motion be amended by adding after paragraph No. 2 the words:

That the Committee hear, amongst others, the Minister of Foreign Affairs, the Minister of National Defence and the Chief of Defence Staff.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: The question is now on the main motion. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion as amended agreed to.

COMMITTEE AUTHORIZED TO STUDY THE CONSEQUENCES
OF THE EUROPEAN MONETARY UNION

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of October 13, 1999, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the consequences for Canada of the emerging European Monetary Union and on other related trade and investment matters;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Foreign Affairs during the First Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than December 15, 1999 and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until December 24, 1999; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENTS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That for the duration of the present session, any select committee may meet during adjournments of the Senate.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 2, 1999, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 36th Parliament)
 Thursday, October 14, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
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GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
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COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
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CANADA

Debates of the Senate

2nd SESSION

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36th PARLIAMENT

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VOLUME 138

•

NUMBER 4

OFFICIAL REPORT
(HANSARD)

Tuesday, November 2, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.

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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 996-0193

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THE SENATE

Tuesday, November 2, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I call Senators' Statements, I wish to draw your attention to distinguished visitors in the gallery. We have with us a delegation from the National Assembly of the Republic of Slovenia, led by Dr. Janez Podobnik, Speaker of the National Assembly, and accompanied by His Excellency Dr. Bozo Cerar, Ambassador of the Republic of Slovenia to Canada.

On behalf of all honourable senators, I wish you welcome here in the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, our other distinguished visitor in the gallery today is Senator John Watson of Australia, Chairman of the Senate Select Committee on Superannuation.

Welcome to the Senate of Canada, Senator Watson.

Hon. Senators: Hear, hear!

• (1410)

SENATORS' STATEMENTS

THE LATE GREG MOORE

TRIBUTE

Hon. Ross Fitzpatrick: Honourable senators, I rise today to pay tribute to Greg Moore, the 24-year-old race car driver who died Sunday after his car crashed during a race in California.

Greg was born and raised in Maple Ridge, British Columbia, and was one of the leading motorists on the CART or Indy car circuit. In 1997, at the age of 22, he became the youngest person ever to win a CART race. Sadly, he had much more ahead of him.

Greg offered more than his accomplishments on the track by giving back to his community. He participated in numerous charitable events and was a bright and articulate spokesman for various causes. His enthusiasm for helping others was genuine. A fund established in his name will continue to lend support to charities he supported.

In 1996, my wife, Linda, and I had the pleasure of participating with Greg at the Molson Indy fundraising ball to benefit the Alzheimer's Society of British Columbia. Sadly, but fittingly, the event was called "Forget me not." Honourable senators, Canadians will not soon forget Greg Moore.

THE LATE MWALIMU JULIUS K. NYERERE FORMER PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA

TRIBUTE

Hon. Donald H. Oliver: Honourable senators, in 1966, I was offered a position as assistant dean at the law school in Dar es Salaam, Tanzania. I declined the offer and opted to remain in Canada and subsequently became a partner in the largest law firm in Atlantic Canada. Had I taken that position and gone to Tanzania, I would have witnessed the democratic miracle orchestrated by Julius Nyerere, who led his country to independence from Britain in 1961 and served as the first president of Tanzania from 1962 to 1985.

Mr. Nyerere died of a stroke at the age of 77 on Thursday, October 14, while at a London hospital where he was receiving treatment for leukemia. He was loved and revered the world over for his integrity, modesty and intelligence. He was considered to be one of Africa's greatest statesmen, on a par with Nelson Mandela, and ranks among the most eminent leaders of the 20th century.

Julius Nyerere was educated as a teacher. He entered politics in 1954 and founded the Tanganyika African National Union. He became the colony's chief minister when TANU won the elections in 1960. Nyerere continued as prime minister when Tanganyika became independent in 1961, but he resigned early in 1962 to concentrate on restructuring TANU for its post-independence role. Elections in 1962 brought him back as president of a republic.

In 1964, following a revolution on the Arab-dominated island of Zanzibar and a mutiny in his army, Nyerere formed a union of the two countries, with himself as president. He was committed to African liberation, and he offered sanctuary in Tanzania to members of the African National Congress and numerous other rebel-led groups from Zimbabwe, Mozambique, Angola and Uganda. In 1978, under Nyerere's leadership, Tanzanian troops entered Uganda, deposing dictator Idi Amin.

A strong supporter of indigenous African culture, Nyerere's most miraculous achievement was bringing ethnic union to Tanzania. In a tribute to Nyerere on CBC Radio's "As It Happens," Stephen Lewis, who served with the United Nations in Africa and was a friend of the former president, marvelled at how Nyerere "took a country divided on tribal lines and turned everyone into a 'Tanzanian'."

He achieved this by establishing strong systems of education and health and through the implementation of a common language.

"Rwanda broke his heart," stated Mr. Lewis in the "As It Happens" tribute. To see what ethnic division could do — the mass killings and destruction of a people and a country. When Nyerere spoke about Rwanda and offered assistance to its people, he did so with "immense feeling, pain and understanding." Were it not for his vision and leadership, Tanzania could have been the site of similar horrors.

On October 20, hundreds of thousands of Tanzanians began gathering at dawn and soon filled the streets of the capital Dar es Salaam to pay their last respects to a man known throughout Tanzania as "teacher". Huge yet peaceful crowds lined the road from the airport to Mr. Nyerere's home in the suburbs, wailing as his coffin was driven past.

Julius Nyerere was given a state funeral ceremony in Tanzania on Thursday, October 21. He was a man of tremendous vision and principle who will be missed by many.

Honourable senators, Mary Lou Findley summed it up nicely at the end of the CBC tribute by saying that Nyerere may have been from a small country, but he was not a small man. I second Stephen Lewis' final words that Julius Nyerere was "a lovely, lovely man."

[Translation]

WOMEN'S HISTORY MONTH

Hon. Lucie Pépin: Honourable senators, October is Women's History Month. It is an excellent opportunity to pay tribute to the progress that has been made so far, and to look at the obstacles that still lie ahead of us.

[English]

October was chosen to celebrate the judgment in October 1929 of the Judicial Committee of the Privy Council, which declared that the word "persons" in the BNA Act included women and that women were eligible to become members of the Senate. We owe a great deal to the Famous Five who fought long and hard to make our presence in this chamber possible.

Honourable senators, we take the presence of women for granted in both this chamber and the other place, and yet our representation here has only recently topped 30 per cent. That is in large part thanks to strong political will.

It has been 70 years since we won the right to be considered persons. While I try not to think of what it was we were considered before becoming persons, I do know that being a person is still not as good as being a man.

[Translation]

The number of women in this chamber and elsewhere is a source of encouragement to me. Their drive, their determination,

their intelligence, their spirit, are a huge contribution to our country. Yet we cannot forget that we are still so few in numbers. In this chamber, we are outnumbered two to one. While rejoicing in the fact that the Canadian Senate ranks fifth in the world as far as female representation is concerned, we can certainly not settle for the status quo.

There are still many obstacles to women's participation in so many aspects of our economic and political life. I have made reference here and elsewhere on numerous occasions to the difficulties women face when they enter politics. Yet without sufficient representation by women and other groups in our political institutions, how can we boast that we are a democracy?

As we commemorate the Persons Case, and celebrate all that it has meant to generations of Canadians, we must be aware that our goal has not yet been attained. If the Famous Five were with us now, they would still be battling for equality. Today distinctions are still being made between people: men and women, rich and poor, young and old, majority and minority. The figures on representation in this place and the other will continue to reflect these distinctions until such time as there is acceptance of the fact that a person is a person and nothing else, nothing more, and nothing less.

[English]

INCOME TAX POLICY FOR WOODLOT OWNERS

Hon. Erminie J. Cohen: Honourable senators, I wish to bring to your attention the concerns of Canadian woodlot owners with the present income tax policy and their need for prompt and appropriate changes to the act.

In my home province of New Brunswick, one family in six owns a woodlot. There are approximately 425,000 family-owned woodlots in Canada. In many provinces they provide an essential part of the raw material needed to operate sawmills and pulp mills.

Most woodlot owners respect and care for their land so that it contributes not only to pleasant roadside scenery and habitat for wildlife, but as timber for industry and employment in Canada's many small rural communities.

Caring for woodlots in this way is a mammoth undertaking. Growing a tree from a seedling to maturity takes a long time, at least 40 years in most parts of the country. One way in which the federal government can encourage the promotion and enhancement of forest management activities is through sound income tax policies.

When Canadians spend money to start a new business, they are able to deduct losses in the early years against other sources of income as long as they can demonstrate to Revenue Canada that they are building their new business with "a reasonable expectation of profit." This is not the case with woodlot owners.

When a family farm is passed on from one generation to another, the capital gains tax is deferred as long as the family is actively managing the farm. When a woodlot is passed on, a substantial tax bill often goes with it. If the new owners do not have a ready source of cash with which to pay the bill, they may be forced to get the cash from the woodlot, and often that may mean clearing the land.

Why are woodlot owners being treated differently from other Canadians? The reason seems to be that the Income Tax Act is written in such a way that a business which may take up to 40 years to produce a profit simply falls through the cracks. The Income Tax Act is not equipped to recognize the realities of forest management practices and the time frames that are involved in profitable woodlot businesses.

Woodlot owner organizations have been working on this issue since 1988. They now report that the resistance to change they experienced in the early years has been replaced by a reasonable understanding of the issues within the Department of Finance and the Department of National Revenue. The issue has been thoroughly reviewed by a number of House of Commons committees, the National Round Table on Environment and Economy and, most recently, our own subcommittee studying the boreal forest.

Honourable senators, we need the cooperation of woodlot owners to meet our nation's commitment to the Kyoto Protocol and to the announced endangered species legislation, and the woodlot owners need a sound tax policy as one of the tools available to help them plant more trees and increase their efforts to manage their land.

Surely, it is time this problem was fixed. I urge the Minister of Finance to complete this job.

[Translation]

THE LATE CLAUDE MASSON

TRIBUTE

Hon. Fernand Roberge: Honourable senators, I would like to offer my condolences to the family and colleagues of Claude Masson and his wife Jeannine Bourdages, who died in the terrible EgyptAir accident. Claude was a simple man, at ease with himself, a man of equanimity and respected by his peers. He was also a man of faith, socially committed, a professional, in short, an exemplary individual. His death is a great loss for *La Presse* and the journalistic community in Quebec, and for society as a whole. We offer our condolences to his family and to the families of the others lost in this terrible accident.

[English]

NATIONAL DEFENCE

RECOGNITION OF PEACEKEEPING EFFORTS ABROAD

Hon. Douglas Roche: Honourable senators, I found it strange that on his first official visit to Canada, Lord George Robertson,

the new Secretary-General of NATO, criticized Canada's military spending while apparently ignoring the fact that Canada now has more troops serving the interests of peace across the world than at any other time since the Korean War.

Canadian peacekeeping is one of the world's most pre-eminent and effective conflict management agencies. With less than 1 per cent of the world's population, Canada does over 10 per cent of its peacekeeping. Canadians are grateful to the 4,410 men and women now deployed overseas in 22 separate missions for peace.

In this month of November, let us especially honour the dedication and achievements of the 108 Canadian peacekeepers who have lost their lives in the service of international peace and security over the past four decades. They have made a priceless contribution to the alleviation of human suffering.

Canadians understand that peacekeeping upholds who and what we are as a nation. We must appreciate the role of our forces in advancing our interests abroad, however we choose to define them. Stretched beyond belief, away from their families for prolonged periods of time, Canada's peacekeeping forces are deployed in order to effect real change and to ensure the promotion and maintenance of real human security.

Canadians have fought and died in defence of human security and freedom. Our ongoing pursuit of human security honours their sacrifice and is confirmation of a noble tradition. Our peacekeepers deserve nothing less.

Honourable senators, in spending money for reconstruction in the war-torn Balkans, and for other world efforts to rebuild societies from the consequences of war, Canada takes a back seat to no one. In combat operations, it is not that Canada is spending too little; it is that other countries, including NATO leaders, are spending too much.

[Translation]

OFFICIAL LANGUAGES

CHANGE TO TABLING DATE OF COMMISSIONER'S ANNUAL REPORT

Hon. Jean-Robert Gauthier: Honourable senators, on October 4, the Commissioner of Official Languages, in a letter to our Speaker, expressed his intention to delay the tabling of his annual report so as to cover the fiscal year from now on rather than the calendar year.

The Official Languages Act is not clear on the terms of tabling the annual report. However, section 37 of the Interpretation Act provides that a year cover a full 12-month period. The report of the Commissioner of Official Languages for the 12 months of 1999 will not be published as usual. The next report by the Commissioner will cover a period of 15 months or more and will be released only in September 2000.

This decision will deprive minority language communities and the Standing Joint Committee on Official Languages of the House of Commons and the Senate of a report that is a valuable and vital tool.

[English]

THE CRIME OF HUMAN TRAFFICKING

Hon. A. Raynell Andreychuk: Honourable senators, throughout the world people are being abducted, coerced, tricked and sold into what is popularly being termed "the global slave trade." Victims are usually women, girls and boys who are forced into sexually and economically exploitive situations for the profit of recruiters, traffickers and crime syndicates. In 1997, the United Nations estimated that 4 million people were trafficked worldwide — the net profit: up to \$7 billion annually. Canada is not immune from such activities. Last fall, a sex ring made up of Asian women was discovered in Toronto, amongst others.

Human trafficking, along with the many activities that surround this type of crime, such as prostitution, forcible confinement and assault, are all illegal activities within Canada. Despite international conventions outlawing the human slave trade, this type of criminal activity is increasing. Part of the increase is explained by the relative ease of human trafficking. Often, the people being trafficked do not realize they are in danger and voluntarily cross the border into another country. Law enforcement officials are less likely to make arrests in instances of human trafficking as compared to cases of drugs and arms smuggling. Tragically, the premium that is placed on youth ensures that there is a constant demand to recruit new and younger women and children.

Human trafficking is a security risk because the profits made from human exploitation are frequently used to fund crime syndicates. In the Mekong region of Asia, human trafficking now rivals the drug trade for the attention of organized crime. Likewise, in other unstable areas, such as in the former Soviet Union, women and children are particularly vulnerable to being trafficked. Canada must work to prevent organizations from using Canada as a fundraising locale for criminal activity.

In 1949, the United Nations General Assembly approved the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Canada has not yet ratified this convention, despite it coming into play in 1949.

June 2000 will mark the fifth anniversary of the Beijing Declaration. One of the strategic objects of the Beijing Platform of Action is to eliminate trafficking in women and assist victims of violence due to prostitution and trafficking. It is essential for Canada to consider the ratification and enforcement of this international convention. To do otherwise would be to fail in our support of the United Nations and, more important, to fail in our support of those millions at risk. I urge the Government of Canada and members of the Senate to ensure that Canada ratifies this treaty before the fifth anniversary of the Beijing Declaration.

• (1430)

OSTEOPOROSIS MONTH

Hon. Vivienne Poy: Honourable senators, November is Osteoporosis Month in Canada. Osteoporosis is a debilitating condition that causes bones to thin and weaken, leaving them vulnerable to fracture. The prevalence of the disease among our citizens is a matter of great consequence and importance to this country. Approximately 1.4 million Canadians currently suffer from osteoporosis, and another 2 million are at risk of developing the disease. It afflicts one in four women over the age of 50 and one in eight men in the same age group. Treating osteoporosis costs Canada \$1.3 billion a year.

Osteoporosis is a disease in which education and prevention can make a profound difference. Because of a lack of public awareness and education, many people do not know they have the disease until it is too late. Loss of bone density can occur silently over many years before it becomes evident. By the time bone fractures occur, the damage is already severe and can result in serious spine, hip and wrist injuries. Much of the damage is irreversible. Osteoporosis-related injuries are commonly disabling and diminish the quality of life significantly among those afflicted.

Today, we know more than ever about preventing osteoporosis, and the disease is internationally recognized as a significant health issue. Building strong bones early in life is one of the most important things we can do. Ensuring that we have enough calcium in our diets is also important, as well as regular exercise, especially weight-bearing sports like walking, running, tennis and badminton. There are now tests available for early detection for those at risk. We can significantly reduce the number of people who will develop osteoporosis if preventive measures and public education are undertaken.

Canada needs to show leadership by developing a comprehensive framework for the prevention, diagnosis and treatment of this debilitating disease. The kind of leadership I am talking about is consistent with the strategy outlined in the Throne Speech last month calling for the establishment of the Canadian Institutes of Health Research. These institutes are to bring together researchers who have an impact on health and to undertake shared research priorities.

Osteoporosis needs to be among our health research priorities if we are to improve the quality of life of Canadians, especially in the face of an ageing population in the coming decades. The incidence of osteoporosis can be greatly reduced if we take a long-term view of prevention.

Honourable senators, in the spirit of raising awareness of this important health issue, I invite all of you, along with our colleagues in the other place, to join me and the Osteoporosis Society of Canada tomorrow afternoon between 4 and 6 p.m. in Room 237-C here in the Centre Block for a bone china tea.

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the annual report of the Privacy Commissioner for the period ended March 31, 1999.

CLERK OF THE SENATE

ANNUAL ACCOUNTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that, pursuant to rule 133 of the *Rules of the Senate*, the Clerk of the Senate has laid on the Table a detailed statement of his receipts and disbursements for the fiscal year 1998-99.

FOREIGN AFFAIRS

FIRST REPORT OF COMMITTEE TABLED

Hon. John B. Stewart: Honourable senators, pursuant to rule 104 of the *Rules of the Senate of Canada*, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs, which report deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

CONSEQUENCES OF EUROPEAN MONETARY UNION

REPORT OF FOREIGN AFFAIRS COMMITTEE REQUESTING AUTHORITY TO ENGAGE SERVICES PRESENTED

Hon. John B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Tuesday, November 2, 1999

The Standing Senate Committee on Foreign Affairs has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, October 14, 1999, in accordance with rule 86(1)(h) to examine and report on the consequences for Canada of the emerging European Monetary Union and on other related trade and investment matters respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report,

Respectfully submitted,

JOHN B. STEWART
Chairman

(For text of Appendix, see today's Journals of the Senate, Appendix "A" p. 72.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stewart, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FOREIGN AFFAIRS

CHANGING MANDATE OF NORTH ATLANTIC TREATY ORGANIZATION—BUDGET REPORT OF COMMITTEE ON STUDY PRESENTED

Hon. John B. Stewart, Chairman of the Standing Senate Committee on Foreign Affairs, presented the following report:

Tuesday, November 2, 1999

The Standing Senate Committee on Foreign Affairs has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, October 14, 1999, in accordance with rule 86 (1)(h) to examine and report upon the ramifications to Canada:

1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and

2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within and outside Canada for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report. [English]

Respectfully submitted,

JOHN B. STEWART
Chairman

(For text of Appendix, see today's Journals of the Senate, Appendix "B" p. 78.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stewart, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

COMMITTEE OF SELECTION

THIRD REPORT PRESENTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Tuesday, November 2, 1999

The Committee of Selection has the honour to present its

THIRD REPORT

Pursuant to rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it has met on the issue of nominating a senator to preside as Speaker *pro tempore*.

Your Committee has not decided on a nomination and will report to the Senate at a later time.

Respectfully submitted,

LÉONCE MERCIER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Mercier, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Senator Stewart]

CLERK OF THE SENATE

ANNUAL ACCOUNTS REFERRED TO INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move, with leave of the Senate and notwithstanding rule 58(1)(f), that the Clerk's accounts be referred to the Standing Committee on Internal Economy, Budgets and Administration.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, November 3, 1999 at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—NOTICE OF MOTION

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, November 3, 1999, I will move:

That the proceedings on the Order of the Day for resuming the debate on the motion for an Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

CRIMINAL RECORDS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-7, to amend the Criminal Records Act and to amend another Act in consequence.

Bill read first time.

The Hon. the Speaker: Honourable Senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading on Thursday next, November 4, 1999.

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading on Thursday next, November 4, 1999.

INCOME TAX CONVENTIONS IMPLEMENTATION BILL, 1999

FIRST READING

Hon. Dan Hays (Deputy Leader of the Government) presented Bill S-3, to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading on Thursday next, November 4, 1999.

[Translation]

INTERNATIONAL SEARCH OR SEIZURE BILL

FIRST READING

Hon. Pierre Claude Nolin presented Bill S-4, to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Nolin, bill placed on the Orders of the Day for second reading on Thursday, November 4, 1999.

[English]

PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-5, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading on Thursday next, November 4, 1999.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Donald H. Oliver: Honourable senators, I have the honour to introduce for first reading Bill S-6, to amend the Criminal Code respecting criminal harassment and other related matters. This was formerly Bill S-17, which died on the Order Paper at the termination of the previous session of Parliament.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Senator Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Anne C. Cools: No. Could I ask why leave is required?

The Hon. the Speaker: There is no agreement.

Senator Cools: Honourable senators, I am curious. I am prepared to give agreement if I can know why. When sponsors of a bill ask for leave of the Senate, senators should know for what reason leave is being requested.

The Hon. the Speaker: Honourable Senator Cools, I am sorry, but there can be no debate on the motion. However, if yours is a question of information, that is a legitimate point, if the Senate so agrees. We have experienced this problem before — a senator asking for leave and another honourable senator wanting to know why.

Honourable senators, is it your wish that the question be asked?

Hon. Senators: Agreed.

Senator Oliver: Honourable senators, this bill was on the Order Paper in the last session of Parliament. It was sent to the Standing Senate Committee on Legal and Constitutional Affairs. A number of witnesses were heard and evidence was taken. I should like to be in a position to speak to whether that evidence can be accepted as having been heard already as part of the consideration on the bill I just presented. I should like to do that tomorrow.

Senator Cools: Agreed.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Oliver, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

ROYAL ASSENT BILL

FIRST READING

Hon. John Lynch-Staunton (Leader of the Opposition) presented Bill S-7, respecting the declaration of Royal Assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall the bill be read the second time?

On motion of Senator Lynch-Staunton, bill placed on the Orders of the Day for second reading on Thursday next, November 4, 1999.

IMMIGRATION ACT

BILL TO AMEND—FIRST READING

Hon. Ron Ghitter presented Bill S-8, to amend the Immigration Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Ghitter, bill placed on the Orders of the Day for second reading on Thursday next, November 4, 1999.

CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-247, to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading on Tuesday next, November 9, 1999.

• (1450)

THE SENATE

REPORT OF VISITING DELEGATION TO THE KYRGYZ REPUBLIC TABLED

Hon. Nicholas W. Taylor: Honourable senators, I have the honour to table the report on the meeting of the Senate delegation that visited the Kyrgyz Republic in October 1998. The delegation was comprised of Senators Molgat, Andreychuk and Taylor.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. John B. Stewart: Honourable senators, I give notice that tomorrow, Wednesday, November 3, 1999, I will move:

That the Senate Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. John B. Stewart: Honourable senators, I give notice that tomorrow, Wednesday, November 3, 1999, I will move:

That the Standing Senate Committee on Foreign Affairs be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its meetings.

[Translation]

REVIEW OF ANTI-DRUG POLICY

NOTICE OF MOTION TO FORM SPECIAL SENATE COMMITTEE

Hon. Pierre Claude Nolin: Honourable senators, I give notice that on Thursday, November 4, 1999, I will move:

That a Special Committee of the Senate be appointed to reassess Canada's anti-drug legislation and policies, to carry out a broad consultation of the Canadian public to determine the specific needs of various regions of the country, where social problems associated with the trafficking and use of illegal drugs are more in evidence, to develop proposals to disseminate information about Canada's anti-drug policy and, finally, to make recommendations for adoption of an anti-drug strategy developed by and for Canadians under which all levels of government will be encouraged to work closely together to reduce the harm associated with the use of illegal drugs.

That, without being limited in its mandate by the following, the Committee be authorized to:

- review the federal government's policy on illegal drugs in Canada, its effectiveness, and the extent to which it is fairly enforced;
- develop a national harm reduction policy in order to lessen the negative impact of illegal drugs in Canada, and make recommendations regarding the enforcement of this policy, specifically the possibility of focusing on use and abuse of drugs as a social and health problem;
- study harm reduction models adopted by other countries and determine if there is a need to implement them wholly or partially in Canada;
- examine Canada's international role and obligations under United Nations conventions on narcotics and the Universal Declaration of Human Rights and other related treaties in order to determine whether these treaties authorize it to take action other than laying criminal charges and explore various options available at the international level;
- explore the effects of cannabis on health and examine whether alternative policy on cannabis would lead to increased harm in the short and long term.
- examine the possibility of the government using its regulatory power under the Contraventions Act as an additional means of implementing a harm reduction policy, as is done in other jurisdictions;

- examine any other issue respecting Canada's anti-drug policy that the Committee considers appropriate to the completion of its mandate.

That the Special Committee be composed of five Senators and that three members constitute a quorum;

That the Committee have the power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers, briefs and evidence from day to day as may be ordered by the Committee;

That the briefs received and testimony heard during consideration of Bill C-8, An Act respecting the control of certain drugs, their precursors and other substances, by the Standing Senate Committee on Legal and Constitutional Affairs during the Second Session of the Thirty-fifth Parliament be referred to the Committee;

That the Committee have the power to authorize television, radio and electronic broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee be granted leave to sit when the Senate has been adjourned pursuant to subsection 95 (2) of the Senate Rules; and

That the Committee submit its final report not later than three years from the date of its being constituted.

FEDERALISM AND GLOBALIZATION

NOTICE OF INQUIRY

Hon. Gérard-A. Beaudoin: Honourable senators, I give notice that on Tuesday next, November 9, 1999, I will call the attention of the Senate to the major principles of modern federalism, in light of the discussions that took place during the Forum of Federations. I will call this inquiry: Federalism and Globalization.

[English]

REVIEW OF CANADIAN ENVIRONMENTAL PROTECTION ACT

NOTICE OF MOTION

Hon. Mira Spivak: Honourable senators, I give notice that Thursday next, November 4, 1999, I will move:

That the Senate urge the government to begin immediately its review of the Canadian Environmental Protection Act and to designate the first phase of that review to the Standing Senate Committee on Energy, the Environment and Natural Resources.

OFFICE OF CHILDREN'S ENVIRONMENTAL HEALTH

NOTICE OF MOTION TO ESTABLISH

Hon. Mira Spivak: Honourable senators, I give notice that tomorrow, Wednesday, November 3, 1999, I will move:

That the Senate urge the government to establish an Office of Children's Environmental Health, an arm's-length agency to promote the protection of children from environmental hazards.

NATIONAL DEFENCE

NOTICE OF MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE TO EXAMINE CONDUCT OF PERSONNEL IN RELATION TO THE SOMALIA DEPLOYMENT AND THE DESTRUCTION OF MEDICAL RECORDS OF PERSONNEL SERVING IN CROATIA

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I give notice that on November 16, 1999, I will move:

That a Special Committee of the Senate be appointed to examine and report on two significant matters which involve the conduct of chain of command of the Canadian Forces, both in-theatre and at National Defence Headquarters and its response to operational, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia and allegations that Canadian soldiers were exposed to toxic substances in Croatia between 1993 and 1995, and the alleged destruction of medical records of personnel serving in Croatia.

• (1500)

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. The present Minister of Defence in relation to both matters;
2. Former Ministers of National Defence in relation to both matters;
3. The then Deputy Minister of National Defence in relation to both matters;
4. The then Acting Chief of Staff of the Minister of National Defence in relation to the Somalia occurrence;
5. The then special advisor to the Minister of National Defence (M. Campbell) in relation to the Somalia occurrence;

6. The then special advisor to the Minister of National Defence (J. Dixon) in relation to the Somalia occurrence;

7. The persons occupying the position of Judge Advocate General during the relevant period in relation to the Somalia occurrence;

8. The then Deputy Judge Advocate General (litigation) in relation to the Somalia occurrence; and

9. The then Chief of Defence Staff and Deputy Chief of Defence Staff in relation to both occurrences.

That seven senators, nominated by the Committee of Selection, act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee.

That it be empowered to adjourn from place to place within and outside Canada.

That the Committee have the power to sit during sittings and adjournments of the Senate.

That the Committee submit its report not later than one year from the date of it being constituted, provided that, if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate.

FINANCING OF POST-SECONDARY EDUCATION

NOTICE OF INQUIRY

Hon. Norman K. Atkins: Honourable senators, I give notice that on Thursday next, November 4, 1999, I shall call the attention of the Senate to the financing of post-secondary education in Canada, and particularly that portion of the financing that is borne by students, with a view to developing policies that will address and alleviate the debt load which post-secondary students are being burdened with in Canada.

CONFERENCE ON WOMEN'S EQUALITY AND PARTICIPATION IN PUBLIC LIFE

NOTICE OF INQUIRY

Hon. Lorna Milne: Honourable senators, I give notice that on Thursday next, November 4, 1999, I will call the attention of the Senate to my recent participation respecting the seventieth anniversary of the "Persons Case" at a conference on Women's Equality and Participation in Public Life in Canada and the United Kingdom, held on October 21 and 22, 1999, in London, England.

DISTINGUISHED CANADIANS AND THEIR INVOLVEMENT WITH THE UNITED KINGDOM

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), (2) and 57(2), of the *Rules of the Senate*, I give notice that Thursday next, November 4, 1999, I will call the attention of the Senate:

- (a) to persons of Canadian birth who sat as members of the House of Commons of the United Kingdom, including Ontario-born Edward Blake, Liberal Minister of Justice of Canada 1875-1877, also leader of the Liberal Party of Canada 1880-1887, and New Brunswick-born The Right Honourable Bonar Law, Prime Minister of the United Kingdom 1922-1923, and Ontario-born Sir Bryant Irvine, Deputy Speaker of House of Commons of the United Kingdom 1976-1982;
- (b) to persons of Canadian birth who sat as members of the House of Lords of the United Kingdom, including the Right Honourable Richard B. Bennett, Prime Minister of Canada 1930-1935, and Lord Beaverbrook, Cabinet Minister in the United Kingdom in 1918 and 1940-1942;
- (c) to persons of British birth born in the United Kingdom or the Dominions and Colonies, who have served in the Senate and House of Commons of Canada, including the Right Honourable John Turner, Prime Minister of Canada 1984, also Liberal Leader of the Opposition 1984-1990, and myself, a sitting black female senator born in the British West Indies;
- (d) to persons of Canadian citizenship who were members of the Privy Council of the United Kingdom, including the Prime Ministers of Canada, the Supreme Court of Canada Chief Justices, and some Cabinet Ministers of Canada, including the Leader of the Government in the Senate 1921-1930, and 1935-1940, the Right Honourable Senator Raoul Dandurand, appointed to the United Kingdom Privy Council in 1941;

- (e) to the 1919 Nickle Resolution, a motion of only the House of Commons of Canada for an address to His Majesty King George V and to Prime Minister Richard B. Bennett's 1934 words in the House of Commons characterizing this Resolution that:

That was as ineffective in law as it is possible for any group of words to be. It was not only ineffective, but I am sorry to say, it was an affront to the sovereign himself. Every constitutional lawyer, or anyone who has taken the trouble to study this matter realizes that that is what was done;

- (f) to the words of Prime Minister R.B. Bennett in a 1934 letter to J.R. MacNicol, MP, that:

So long as I remain a citizen of the British Empire and a loyal subject of the King, I do not propose to do otherwise than assume the prerogative rights of the Sovereign to recognize the services of his subjects.

- (g) to the many distinguished Canadian who have received honours since 1919 from the King or Queen of Canada, including the knighting in 1934 of Sir Lyman Duff, Supreme Court of Canada Chief Justice, and in 1935 of Sir Ernest MacMillan, musician, and in 1986, Sir Bryant Irvine, parliamentarian, and in 1994, Sir Neil Shaw, industrialist, and in 1994, Sir Conrad Swan, advisor to Prime Minister Lester Pearson on the National Flag of Canada;
- (h) to the many distinguished Canadians who have received 646 orders and distinctions from foreign non-British, non-Canadian sovereigns between 1919 and February 1929;
- (i) to the legal and constitutional position of persons of Canadian birth and citizenship, in respect of their ability and disability of their membership in the United Kingdom House of Lords and House of Commons, particularly Canadians domiciled in the United Kingdom holding dual citizenship of Canada and of the United Kingdom;
- (j) to the legal and constitutional position of Canadians at home and abroad in respect of entitlement to receive honours and distinctions from their own Sovereign, Queen Elizabeth II of Canada, and to the position in respect of their entitlement to receive honours and distinctions from sovereigns other than their own, including from the sovereign of France, the honour, the Ordre Royal de la Légion d'Honneur;

- (k) to those honours, distinctions, and awards that are not hereditary in character such as life peerages, knighthoods, military and chivalrous orders; and
- (l) to the recommendation by the United Kingdom Prime Minister Tony Blair to Her Majesty Queen Elizabeth II for the appointment to the House of Lords as a non-hereditary peer and lord of Mr. Conrad Black, a distinguished Canadian publisher, entrepreneur and also the Honorary Colonel of the Governor General's Foot Guards of Canada.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present a petition with 100 signatures from the Ontario Genealogical Society petitioning the following, in part:

...your petitioners call upon Parliament to enact legislation to preserve the post-1901 Census Records, remove them to the National Archives and make these, as well as future census records, available to the public after 92 years as is presently consistent with the many provisions of the privacy legislation and time limits now in force.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, later I will be making a statement on a point of order raised by Honourable Senator Lynch-Staunton the other day. However, I want to take this opportunity to point out one of the problems we have with our rules. Under the rules, there is only half an hour for Routine Proceedings. Therefore, I should now move immediately to the Orders of the Day. However, I do not believe that this is the wish of the Senate. I simply make the point that these anomalies in our rules must be corrected.

QUESTION PERIOD

CANADA CUSTOMS AND REVENUE AGENCY

CHANGES TO NATIONAL CHILD TAX BENEFIT— EFFECT ON RECIPIENTS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Last spring I drew to the Senate's attention a flaw in the way that the National Child Tax Benefit is structured in the case of modest income families with more than three children. For the benefit of the government leader I will restate the problem.

In 2001, the government will phase out the National Child Tax Benefit at a clawback rate of 11 per cent for one-child families, 19.7 per cent for two-child families and 27.6 per cent for families with three or more children. The idea is that that money should be gone by the time you hit the 26 per cent tax bracket at \$29,900 of income. However, if there are four or more children the National Child Tax Benefit has not yet fully been clawed back by the time you hit the 26 per cent bracket.

• (1510)

Let us consider what happens when a single mother in Halifax, Nova Scotia, with four children and earning \$30,000 of family income, is offered \$100 to work overtime after the latest changes are fully in effect in the year 2001.

Honourable senators, I will read you some figures. I have already given a copy to the honourable leader so he can follow it. First, the National Child Tax Benefit will be reduced by \$27.60. Then, unless you plan to make significant changes to tax brackets, federal income tax will take away an additional \$26. Provincial income taxes in Nova Scotia would take away \$14.95. Canada Pension Plan premiums of \$4.30 less the CPP tax credit would result in the loss of another \$3.15. If we make the very generous assumption that EI premiums dropped to \$2, the level actually needed to fund the program, then net of the EI tax credit would be another \$1.46. Then we have the income tested tax credits. From the GST credit, take off another \$5.00. From the basic Canada Child Tax Credit, deduct \$5. What does this add up to? It is \$83.16 out of \$100. Subtract that from the \$100, and this family of four with an income of \$30,000 receives \$16.84 out of the \$100.

Honourable senators, the Throne Speech announced a \$2 billion expansion of the National Child Benefit, with details to follow. Can the Leader of the Government advise us as to whether or not the government intends to take a serious look at the way the various taxes and clawbacks all add up before it comes out with a final package of changes to the National Child Benefit? Can the government leader assure the Senate that this serious inequality, particularly to the people of Nova Scotia, will be addressed?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I appreciate Senator Oliver giving me a copy of his calculations shortly before I entered the chamber. I know that the honourable senator is very interested in addressing the specific example that he has presented.

I was happy to hear the senator mention that the Child Tax Benefit has been increased by \$2 billion annually in recent budgets and will provide close to \$7 billion annually in assistance to families by July 2000. The honourable senator acknowledged that, and he and I both agree that it is an important and substantial measure undertaken by the government. I might also add that for a two-child family, the maximum benefit of \$3,750 represents an increase of 48 per cent over the maximum benefit in 1996. I know the honourable senator is pleased with the progress we have made.

Honourable senators, I certainly will be interested in discussing the specific example. I am confident that the government will take into account all the factors he has mentioned. With relation to this particular example, I will seek information from the various parties, and I assure the senator that his concern will be relayed to the appropriate authorities.

Senator Oliver: The honourable minister certainly would agree with me that, with respect to the example of a mother of four children who tries to make an extra \$100 and is only left with \$16.84, something must be done by the government in the hope of eliminating some of the clawbacks.

Senator Boudreau: Honourable senators, I would agree with the honourable senator. We certainly do not want to discourage a single mother of four children in those circumstances from earning an additional \$100.

For all of the individual items that were mentioned, such as Canada Pension, I wonder if those deductions would apply at any income level or would there be a maximum beyond which they would not apply? I do not pretend to be an expert on this, and that is why I would like to have an opportunity to discuss it with those more knowledgeable. I can certainly agree with the spirit of what the honourable senator brings to the floor.

UNITED NATIONS

NUCLEAR DISARMAMENT—POLICY OF GOVERNMENT ON NEW AGENDA COALITION RESOLUTION

Hon. Douglas Roche: Honourable senators, I direct my question to the Leader of the Government in the Senate, to whom I extend congratulations on his appointment and best wishes.

On April 19 last, the Government of Canada, in its response to the report of the Standing Committee on Foreign Affairs and International Trade, pledged to work with the New Agenda Coalition in pursuing nuclear disarmament goals and objectives. On October 26, the New Agenda Coalition introduced a resolution in the First Committee of the General Assembly of the United Nations which

...calls upon the nuclear-weapon States to make an unequivocal undertaking to accomplish the speedy and total elimination of their nuclear arsenals and to engage without delay in an accelerated process of negotiations, thus achieving the nuclear disarmament, to which they are committed under Article VI of the NPT.

Last year, Canada abstained on a similar resolution, stating that the government had not yet heard from the parliamentary committee. Given the government's express desire to move forward on the nuclear disarmament agenda, and given the crisis in the non-proliferation regime that now exists, can the honourable leader confirm that Canada will vote "yes" on this year's New Agenda Coalition resolution?

Before the minister responds, honourable senators, if I have leave, I will table in both official languages a copy of the New

Agenda Coalition's resolution, which was presented in the first committee of the United Nations General Assembly on October 22, 1999.

The Hon. the Speaker: Is leave granted for the tabling of the statement?

Hon. Senators: Agreed.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for that question. I certainly appreciate the comments made earlier by Senator Roche with respect to the role that Canada has played and continues to play in peacekeeping efforts around the world. I thought his comments were very timely.

With respect to the specific question that the honourable senator posed, I am sure that the Minister of Foreign Affairs and International Trade will, in the normal course of events, consider carefully the government's position and will, at the appropriate time, make it public. I would be happy to convey it at that time to the honourable senator.

Senator Roche: I thank the honourable leader for his answer, and I appreciate that the minister is considering this matter. Can the minister state what precise words or passages in the resolution are contrary to Canadian government policy? In my analysis of the text, I can find nothing that contravenes Canadian government policy.

Senator Boudreau: Honourable senators, I would certainly be happy to consider the material that was tabled by the honourable senator and to bring his representations to the appropriate ministers.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, I have several questions for the Leader of the Government in the Senate. Much as I will miss Senator Graham, I welcome you, sir, and wish you good luck.

It is now 1,196 days since Senator Graham promised me that "very, very soon", "imminently", "within the next few days", we would have an announcement about ship-borne helicopter replacement. Yesterday, the Minister of Foreign Affairs described calls for increased defence spending as "tiresome".

A very sick sailor, honourable senators, could not be evacuated from his ship off the East Coast of Nova Scotia because the *HMCS Fredericton's* Sea King was non-operational; nor was the Sea King aboard *HMCS Ville de Quebec* operable; nor was there any Sea King available at Shearwater.

Does the minister agree with the Minister of Foreign Affairs that defence spending is tiresome? Is he concerned with the welfare of our military personnel who are stuck with depending on unreliable and unsafe equipment? Indeed, it is almost immoral to allow those planes to fly.

• (1520)

Hon. J. Bernard Boudreau (Leader of the Government): Senator Forrestall raises the issue of a particular sailor who found himself in difficult circumstances. My information is that the sailor is now making a successful recovery in hospital.

However, that does not address the issue raised by the honourable senator. I have had some discussions with the Minister of National Defence, who has indicated to me that the replacement of the helicopters is an absolute top priority. I certainly share that view with the Minister of National Defence, and I will be working as diligently as possible to ensure that the appropriate mechanisms are in place for us to get on with the job of replacing those helicopters.

Senator Forrestall: Honourable senators, I gather we now have an undertaking from the Leader of the Government in the Senate to spend as much time in worrying about some of the problems that confront, in particular, the navy, as he will in trying to revive the Liberals' fortunes in our great province.

WEST NOVA SCOTIA REGIMENT—
APPOINTMENT OF HONORARY COLONEL

Hon. J. Michael Forrestall: Honourable senators, I should like to ask a question concerning a matter that is now almost three years old. For well over two years the West Nova Scotia Regiment has been waiting to hear about the appointment of a new honorary colonel. It is getting to be a long time for that very colourful regiment to be without an honorary colonel. If the minister has no information today, and that may well be the case, could he have his staff take a look at whether this appointment could be made sooner rather than later?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I take seriously the admonition of the honourable senator in terms of improving the lot of the navy on the Atlantic coast. With respect to improving the fortunes of the Liberal Party, however, I suggest to him that the two may not be mutually exclusive.

With respect to the particular regiment about which the honourable senator asks, I do not have any specific knowledge. I shall take his question as notice and return with the relevant information. In the meantime, if the honourable senator has any suggestions about a new honorary colonel, I would be more than happy to convey them to those concerned.

AGRICULTURE AND AGRI-FOOD

FARM CRISIS IN MANITOBA AND SASKATCHEWAN—
VISIT TO OTTAWA BY DELEGATION—DISCREPANCY IN STATISTICS

Hon. Mira Spivak: Honourable senators, the Premiers of Manitoba and Saskatchewan came to Ottawa asking for help for farmers. The Prime Minister and the government indicated that there are statistics that show that the situation is not really that bad and that the government does not need to give additional help to farmers. However, that statistical information was not

conveyed to those who came asking for help. Can the Leader of the Government in the Senate use his good offices to ensure that the Minister of Agriculture will release those statistics so that we can examine them?

My reading of the statistics concerning Saskatchewan, and I am sure other people will have more to say on this, was unequivocal. As everyone knows, the costs of production are twice the selling price. Can the minister tell us whether we will see those phantom figures about which the Prime Minister is talking?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the Prime Minister and the Minister of Agriculture met with the Premiers of Saskatchewan and Manitoba and the delegation that accompanied them. There seemed to be some confusion, however, about the figures used by both parties. An effort is being made to rationalize them, and I can only presume that the once rationalized the figures will be released publicly sooner rather than later.

However, I would not necessarily conclude from the fact that there was a difference of opinion with respect to some of the numbers involved that the government will not consider any further action. That would be a premature conclusion.

Senator Spivak: Honourable senators, the premier of my province came home bitterly disappointed. I know that a committee is looking at the figures. However, the amount asked for by Manitoba and Saskatchewan, as the minister is well aware, was \$1.3 billion. I have gathered from conversations with those who came to see the Prime Minister, as well as from news reports and leaked documents that have appeared in the *National Post*, which as we know is never wrong, that there does not seem to be an indication from the government that anything like what is needed to solve this emergency crisis is being considered. In fact, the answer is unequivocally no. Does the minister have anything to tell us today that suggests that that is not the attitude of the government?

Senator Boudreau: Honourable senators, the government placed some \$900 million into the AIDA program. The provinces provided \$600 million. In addition to this amount, the delegation's request was for another \$1.3 billion. I think everyone agrees on the amount requested.

The answer given was that the government felt that that \$1.3 billion of assistance would not be forthcoming. I do not think that view has changed. However, it would be premature to conclude from that that there was no assistance available.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN—
REPRESENTATIONS TO PRIME MINISTER

Hon. Mira Spivak: Honourable senators, I am quite familiar with what the minister is saying. Farmers are very unhappy with the AIDA program and with the way this is being put forward. I am conveying to you their views. I have met personally, as have others, with several delegations. Thus, I am not giving you my interpretation of events. I am telling you what they really feel.

Canadians were happy to assist in the fishing crisis, as they were to assist in the misfortune which befell Quebec. They would like their Prime Minister to come to see the situation firsthand. They have asked for that. Thus far, we have not had an indication that that will happen.

Will the minister convey to the Prime Minister and cabinet what the morale is like in Manitoba? The people of my province believe that they are considered marginal and not worthy of the same attention received by every other region of the country. I do not want to share that view. Will the minister also convey that feeling, which is beginning to settle in? Western alienation, a term which I have not heard for a long time, is back and should not be in this particular case.

• (1530)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I give the honourable senator my personal undertaking that her representations will be conveyed to the Prime Minister at the first opportunity.

While the AIDA program represents a substantial amount of money, some \$1.5 billion, and while there have been 36,000 applications under the program, there have been some complaints that the money has not flowed to meet the need in as efficient a fashion as it might. There are also concerns that the amount of money may not be sufficient. All of these representations are being taken very seriously. The government is giving them due consideration.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN—EFFICACY OF AGRICULTURE INCOME DISASTER ASSISTANCE PROGRAM

Hon. A. Raynell Andreychuk: Honourable senators, the Leader of the Government in the Senate has indicated that the AIDA program is working well. The message from Western Canada is that it may be working well elsewhere but that it is does not suit Manitoba and Saskatchewan. That was conveyed personally by at least one premier to the Prime Minister. Why does the government continue to say that the AIDA program works well? If it works well elsewhere, perhaps it should be kept for others.

Why do Manitoba and Saskatchewan not receive any fair attention on a revamped AIDA program? Why were the premiers given hopes that there would be something forthcoming? Why would they be dragged to Ottawa only yet again to be told that the government would be investigating the matter? After months of delay, is this a way of stalling until there will be no more family farms? Is this the hidden agenda of the government?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, to correct the honourable senator somewhat, I did not indicate that the AIDA program was working perfectly and needed no improvement. What I did say is that it is a substantial program of \$1.5 billion. Some 36,000 farmers have responded to it in the form of applications. At least at some point they believed it was worthwhile.

I believe everyone has acknowledged that the money from the program has not flowed as efficiently as it might have. The Prime Minister and the Minister of Agriculture take this matter seriously. Their discussions with the premiers reinforced some of the impressions that they held. I am hopeful that some improvements can be made to existing programs and that, perhaps, other assistance might be considered.

Senator Andreychuk: Honourable senators, I have been receiving calls from farmers who have filed applications under the AIDA program. They tell me that it takes up to six months to receive a response. How does the government know when it is working well when the answers to farmers who desperately need it are being delayed by six months? Some of those who filed in April and May are only now being told that they do not qualify.

From where does the government's confidence in the AIDA program come? After some consultation, the premiers came to Ottawa fully expecting that the Saskatchewan-Manitoba issue would be taken seriously and not be restudied. They expected that the farms that are going under would be saved. Once they are gone, they will not come back. Farmers are not a renewable resource. When they leave their family farms, they leave Saskatchewan. That destroys the base. We do not have the diversity that other provinces have, including the province of the Leader of the Government. We are dependent on agriculture, at least at this point in time.

When will the AIDA program be looked at from the Saskatchewan-Manitoba perspective instead of from a global perspective? There is no time to wait. No more study needs to be done. The Prime Minister should come to hear from some of those farmers while they are still left on the farm, because the rest are gone. I wonder where they are going and what they are doing when their whole livelihoods were connected to farming. There is certainly a parallel to be made here with fishing, something which the minister should understand. The matter cannot wait. It is critical.

Senator Boudreau: Honourable senators, the honourable senator will be pleased if I can assure her that such a review is now taking place.

Senator Andreychuk: We do not need a review.

Senator Boudreau: According to the honourable senator, and I think she is probably not alone in this opinion, the program has not worked as well as it might. The honourable senator talked about delays in dealing with applications. The government has taken that matter seriously. Hopefully, the product of that serious review will be made public very soon.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN—
VISIT TO OTTAWA BY DELEGATION—DISCREPANCY IN STATISTICS

Hon. David Tkachuk: Honourable senators, my question is for the Leader of the Government in the Senate. We have been talking about a great many things about which we do not know too much. However, one thing we do know is that farmers in Western Canada are among the most productive, efficient and innovative agricultural producers in the world. They produce

commodities that are of the highest quality. Yet, through no fault of their own, they are going broke. That is something we do know. They are facing bankruptcy and some are committing suicide. We also know that federal support for agriculture has been cut by 60 per cent since 1993. This is the same Liberal government that said in its Red Book that they would make farming in Canada more viable.

Senators Sparrow, Gustafson, Spivak and Andreychuk have been talking about this problem since the fall of 1998. We also talked about it in February of this year, as we did in March, April and June. The two premiers then came to pay the government a visit. What month is it now? It is November. They came here just before Hallowe'en, which is too bad. They received figures from the Prime Minister and the Minister of Agriculture. When they asked where the figures came from, they were told that they could not be told.

I am a slow boy from the Prairies. Perhaps the minister can tell me how his government can explain in a reasonable fashion to senators that a problem about which they have known for two years could be dealt with by a set of figures that were given to two premiers from Western Canada with the words, "Well, we are not sure, but we will release them." I do not think that is good enough. I think we need to know from the minister when these figures will be released and how this could have happened in the first place. Where did those numbers come from? An apology should be made to the two premiers for doing this to them.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, obviously, there was a difference of opinion with respect to the figures being relied upon by both the premiers and the Prime Minister. I do not know that that has been resolved to date. Every effort will be made to reconcile those figures and to indicate publicly how an agreement was reached.

The crisis in the agricultural sector in Saskatchewan and Manitoba has been given great attention and is the subject of serious concern by both the Prime Minister and the Minister of Agriculture. They continue to work toward a solution. It is a very large problem, as the honourable senator knows.

Senator Tkachuk: Honourable senators, the premiers said that all their numbers came from Statistics Canada, the federal Department of Agriculture, and those figures that the federal government was releasing to the public. When asked to explain the numbers of the federal government to the premiers, they could not explain. It is not good enough to say that there was a difference of opinion. There was no difference of opinion. Provincial premiers laid out a case. They used the statistics and the figures given to them by the Government of Canada. The Government of Canada then said, "We have these other numbers, but we are not going to tell you where they came from."

• (1540)

Roy Romanow was very upset, as was I. My politics are not the same as his, but, God bless his soul, he finally got angry at Mr. Chrétien, which has not happened since 1981. That was a big move for him.

I think the Government of Canada should apologize to the premiers and with due haste give us a date when those numbers and their source will be laid before the House of Commons and the Senate.

Senator Boudreau: Honourable senators, I will convey the senator's views to the Minister of Agriculture and to the Prime Minister. Specifically, I believe that the Minister of Agriculture will bring the explanation forward. From discussions I have had with him, I anticipate that he will do so directly.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN— ECONOMIC EFFECTS OF DECLINE IN FARM INCOME

Hon. Leonard J. Gustafson: Honourable senators, my question is directed to the Leader of the Government in the Senate. Agriculture and Agri-Food Canada's forecast for 1999 said that net farm income in Saskatchewan would be minus \$48 million, the lowest it has been since 1933, and that includes income from crop insurance, NISA and AIDA. The prediction for farm income in Manitoba was minus \$100 million, the lowest in this century, even lower than in the 1930s.

The disappointment of the farmers and the premiers of the two provinces is enormous. I am a farmer and I live among them. I have heard "Western separation". I have heard "Join the U.S.A.; they look after their farmers." There is no way out for us. Something must be done.

This will have very serious national implications for the whole of Canada. We are a very productive industry. There are no more efficient producers in the world than Western Canadian grain producers.

Do the Leader of the Government in the Senate, the cabinet, and the Prime Minister not realize that this will have serious national implications, not only in terms of separation or joining the U.S., but in economic terms for Canada? A great deal of our balance of trade comes from agricultural products produced by our farmers.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I can assure the honourable senator that the Prime Minister understands how important the agricultural sector is to the overall economy of our country. Only a couple of weeks before I took up my appointment in this respected chamber I had the opportunity to travel with the Bank of Canada to Saskatchewan, to meet with farmers there, and to hear their representations. I paid an extended visit to a farming operation there and genuinely admire the operations, the efficiency, and the productivity of farmers on the Prairies.

On that visit, however, I came to realize that this is a very large problem. It is a problem that involves more than just short-term government assistance. It also involves farmers being on a level playing field with their competitors around the world and our efforts to achieve that level playing field for them. They have shown in the past, as they will in the future, that with anything close to a level playing field they can succeed very well.

I wish to indicate very clearly to the honourable senator, on behalf of the Prime Minister, the Minister of Agriculture, and myself, our appreciation of the significance of the agricultural sector in the West to the country as a whole.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN—
POSSIBLE PROGRAM FOR FARM CREDIT

Hon. Leonard J. Gustafson: Honourable senators, would the Leader of the Government in the Senate consider presenting to cabinet some provision for relief of debt owed to the Farm Credit Corporation? That is something the government can do, because the farmers will pay their bills if they have the money.

As you know, there is a call for farmers not to pay their taxes. Nine municipalities have voted not to pay their taxes. I talked to the reeve of the Municipality of Wellington. He said it is not that the farmers do not want to pay their taxes but that they cannot pay their taxes. They cannot pay with something they do not have.

Would the Leader of the Government in the Senate consider taking to the cabinet and the Prime Minister the suggestion that they look seriously at what can be done in the area of debt to the Farm Credit Corporation to alleviate the problem somewhat?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, without breaching cabinet confidentiality, I can indicate that this subject is on the cabinet agenda on an ongoing basis. That will come as no surprise to the honourable senator, who is very highly respected in the agricultural community and elsewhere. I will have no difficulty in taking those representations to my cabinet colleagues.

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SCRUTINY OF REGULATIONS

STANDING JOINT COMMITTEES—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Ordered,—That the Standing Joint Committees be composed of the Members listed below:

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Members: Assad, Bailey, Catterall, Clouthier, Finlay, Grey (Edmonton North), Harb, Karygiannis, Lavigne, Lill, Limoges, Mayfield, Mercier, Plamondon, Price, Redman.—(16)

Associate Members: Davies, Dumas, Tremblay (Rimouski—Mitis).

OFFICIAL LANGUAGES

Members: Bélanger, Bellemare, Chamberlain, de Savoye, Folco, Godin (Acadie—Bathurst), Hill (MacLeod), Kilger,

Lavigne, Mark, McTeague, McWhinney, Meredith, Muise, Plamondon, Serré.—(16)

Associate Members: Dumas, Mercier, Nystrom, Tremblay (Rimouski—Mitis), Turp.

SCRUTINY OF REGULATIONS

Members: Assad, Bonwick, Bryden, Casey, Comuzzi, De Villers, Epp, Grewal, Lebel, Murray, Nystrom, Pankiw, Pillitteri, Saada, Venne, Wappel, White (North Vancouver).—17

Associate Members: Bellehumeur, Dockrill, Guimond, Tremblay (Rimouski—Mitis).

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

ROBERT MARLEAU
The Clerk of the House of Commons

BUSINESS OF THE SENATE

SPEAKER'S STATEMENT ON THE EFFECT OF GRANTING LEAVE
DURING ROUTINE PROCEEDINGS AND
THE EVENT OF OCTOBER 14, 1999

The Hon. the Speaker: Honourable senators, is it agreed that I now proceed to make the statement I was requested to make by the Honourable Senator Lynch-Staunton the last time we met regarding the Routine of Business?

Hon. Senators: Agreed.

The Hon. the Speaker: During the Routine of Business on October 14, Senator Hays sought leave under Government Notices of Motions to move a motion relating to an extensive adjournment of the Senate. Leave was granted, but as soon as the motion was under debate there was some confusion about the nature of the proceedings. One senator suggested the motion was still under notice. Others claimed that the motion was not debatable and that there was no debate allowed during Routine of Business. In the end, the motion on the two-week adjournment was adopted and the Senate proceeded to "Other Business". Nonetheless, when Orders of the Day were called, Senator Lynch-Staunton asked the Chair for a statement of clarification regarding this event so as to avoid the possibility of any confusion in the future.

[Translation]

I am most grateful to Senator Lynch-Staunton for raising this matter, which I think is an important one. Following this request, I studied the matter closely and I am now prepared to make a statement explaining my understanding of the way the rules and practices of the Senate operate.

In making this statement, I have attempted to summarize the possibilities with some thoroughness, but I am not certain that I have actually exhausted all possibilities. Moreover, I believe that this exercise has revealed some discrepancies and anomalies in the current rules that should be assessed by the Standing Committee on Privileges, Standing Rules and Orders.

[English]

The Routine of Business in its current form has been a feature of Senate practice since 1991. In that year, amendments were made to the Rules of the Senate setting out the order in which different items of routine business would be called after Senators' Statements. The sequence of Routine of Business is stated in rule 23(6). Other subsections of rule 23 stipulate that no point of order or question of privilege can be raised during Routine of Business and that any requested standing vote be deferred to 5:30 p.m. unless it is in relation to a non-debatable motion moved without notice.

Other provisions of rule 23 seek to fix the time when Question Period will take place and when Orders of the Day shall be called if the time for Routine of Business is extended.

[Translation]

The items of the Routine of Business include the presentation of reports from standing or special committees, government notices of motion, as well as notices for motions proposed by other senators. Normally, chairmen simply present their reports and senators just give notice of their motions. On occasion, however, leave will be sought to consider a committee report either immediately or later the same day.

Similarly, under Notices of Motion, a committee chairman will seek leave to move a motion allowing a committee to meet at a time when the Senate might still be sitting. And, in recent years, every Tuesday the Senate is sitting, the Deputy Leader of the Government almost invariably seeks leave to move a motion to have the Senate meet at 1:30 p.m. on Wednesday rather than at 2:00 p.m.

[English]

• (1550)

Every time leave is sought during Routine of Business, it is a request to suspend the notice normally applicable under rules 57 or 58. Leave is granted once it is determined that no senator present in the chamber disagrees with the request. If only one senator refuses leave, the affected item cannot be considered before the required notice period has lapsed. Furthermore, when leave is granted, the adoption of the report or motion is moved immediately, unless the leave request proposes to postpone consideration of the report or motion to later in the day.

[Translation]

When the question on the report or motion is placed before the Senate, it is subject to debate. The fact that notice is required for these items makes it clear that they are debatable. No committee report or substantive motion presented to the Senate for adoption is exempt from the possibility of debate. That there is often little or no debate on motions moved with leave during the Routine of Business does not mean that they cannot be debated. Only motions that can be moved without notice are non-debatable.

[English]

Once debate has begun, all the rules relating to debate are applicable, including the possibility of raising a point of order. This is because in agreeing to grant leave and put the question, the Senate has, in effect, stepped out of Routine of Business for the duration of the debate until it is decided or adjourned. In my view, the restriction imposed by rule 23(1) preventing points of order or questions of privilege being raised during Routine of Business does not apply during the debate because the Senate is no longer in Routine of Business.

If, in addition, a standing vote is requested at the conclusion of any debate, rule 23(3) states that the vote will be deferred to 5:30 p.m. the same day unless, of course, there is leave to hold it at another time.

Another subsection of rule 23 remains pertinent even when there is a debate. Rule 23(7) provides that not later than 30 minutes after the first item of Routine of Business is called, the Senate will proceed to Question Period. It is possible, therefore, that proceedings on Routine of Business or a debate on an item during Routine of Business will be interrupted for the purposes of Question Period. In fact, this did happen on May 6, 1993, when debate on third reading of Bill C-114, amending the Canada Elections Act, was moved immediately following the presentation of the report on the bill by the Legal and Constitutional Affairs Committee without amendment. On that occasion, the bill received third reading before the 30-minute time limit for Routine of Business was reached to begin Question Period. This proceeding also included a standing vote which, according to my reading of rule 23(3), should have been delayed until 5:30 p.m. There is no indication that leave was given to take the vote immediately. Leave might have been implicit given the understanding that Royal Assent was scheduled later the same afternoon. Therefore, the Senate proceeded to Orders of the Day without reverting to Routine of Business.

[Translation]

This then is a summary of what can occur whenever leave is granted during Routine of Business. I hope that it is of some assistance to understanding this aspect of our procedures. What occurred on Thursday October 14 when Senator Hays asked for leave to move his motion for the extended adjournment of the Senate was consistent with our rules.

[English]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Furey, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-sixth Parliament.—(*1st day of resuming debate*)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I should like to begin today by thanking my predecessor, my friend and fellow Nova Scotian, Senator Graham, for his excellent leadership in this chamber over the past two years.

Hon. Senators: Hear, hear!

Senator Boudreau: I am grateful for the generous help and support he has extended to me over the past several weeks since my appointment, in the course of a very steep learning curve. I intend to shamelessly abuse his generous offer of continuing assistance.

Honourable senators, I also wish to take this opportunity to thank Senator Carstairs for her excellent work over the past two years as deputy leader.

Hon. Senators: Hear, hear!

Senator Boudreau: I look forward, as well, to taking advantage of her extensive knowledge and experience as we embark on this new session of Parliament.

Senator Hays has been very candid in his remarks to me about his challenge in meeting the high standards set by Senator Carstairs. We will both rely on her very much in the days ahead.

I should like to congratulate Senator Kroft and Senator Furey on their excellent speeches in moving and seconding the Address in reply to the Speech from the Throne.

I would be remiss if I did not add my congratulations to those of many others to our newest Governor General. Her appointment demonstrates that the Canadian dream is not just a dream; it is a reality. It does not matter where you come from, how much money your family has, or who they know. If you have the talent, the determination and the perseverance, you can achieve your dream. You can rise to the highest positions in the

land and contribute in a very meaningful way to our collective vision of Canada.

What is that vision? The Prime Minister expressed it in his reply to the Speech from the Throne. He said:

Our vision of the Canada of the 21st century is clear: a society of excellence, with a commitment to success, a strong and united country, a dynamic economy, a creative and innovative population, a diverse and cohesive society where prosperity is not limited to the few, but is shared by many. It is a Canada where every child gets the right start in life, where young people have a chance to grow and be the best at whatever they want to do, where citizens have access to the skills and knowledge they need to excel. It is a Canada where citizens, regardless of income, receive quality health services, where families enjoy safe communities and a clean environment and where we work together with other countries to promote peace, cultural diversity and the human purpose and benefits of the new global economy.... It is a Canada that is a leader and an example to the world.

Skeptics may say that these are fine words, but what do they really mean? Fortunately, they mean a great deal. This vision is being realized through this government's strategy, set out in the Speech from the Throne, to work with provincial and territorial governments to develop the National Children's Agenda. It is being realized through the establishment of a national action plan on skills and learning for the 21st century. It is being realized through initiatives to provide better access to world markets for Canadian companies. The vision is being realized through programs to improve Canada's knowledge infrastructure, including the creation of the Canadian Institutes of Health Research, and through stronger support for advanced research. It is being realized through actions to make our information infrastructure second to none. The vision is being realized by initiatives to improve our environment.

Honourable senators, this vision of Canada is an exciting one, and it can become a reality.

• (1600)

Our nation has turned a corner. Our finances are in order, our budget is balanced and will continue to be balanced. As the Governor General told us in the Speech from the Throne:

The Government is committed to prudent fiscal management. It will never let the nation's finances get out of control again. It will keep the ratio of debt to GDP on a permanent downward track. It will deliver on the commitment it made at the beginning of this Parliament to devote half the budget surplus to debt repayment and tax relief, and the other half to investments that address the social and economic needs of Canadians.

However, honourable senators, there are other realities in our nation that demand our attention.

Senator Kroft spoke eloquently of the different perspectives held by Canadians who live outside the big business and media centres of Ontario and Quebec. I come from a small province which has known more than its share of economic troubles. I come from a region which has, for many years, felt its distance from the centre of this country's political and economic power. Canada is indeed thriving, with the promise of even better times ahead, but, honourable senators, this prosperity is not shared by all Canadians. Some regions feel themselves left behind.

Cape Breton, for example, is a region that must completely transform its economy. Because of the chance of geology, its economy for generations rested on the extraction of mineral deposits that are no longer economically extractable on a large scale, at least in the measure to which they have been in the past and on a steel industry which now seems to have lost its economic *raison d'être*. Because of the chance of geography, Cape Breton never developed a critical mass of manufacturing industries or sophisticated service industries to round out the dependence on these traditional mineral-based industries.

Most communities have had several decades to adjust to the new, emerging economic realities, but time is a luxury that Cape Breton does not have. It must transform itself radically. It must leap decades of economic development. It must somehow propel itself into this new, post-industrial age almost overnight.

I believe the Speech from the Throne carries a strong message of hope for Cape Breton and for the other regions across this great country that are very similar. I believe the course of this government is very clear: These are not and cannot become "orphan" communities. They belong to the Canadian family, just as much as does Quebec City, Metropolitan Toronto or Vancouver.

In his speech, Senator Furey spoke of the adjustment now in progress in his province of Newfoundland and Labrador. He said:

Today, Newfoundland and Labrador finds itself caught up in the sweeping economic and technological changes that are making their way throughout the world. Far from being swamped by these forces, however, the people of Newfoundland and Labrador are drawing on some long-standing skills and assets to deal with these fast-changing realities. Creativity, resilience, community solidarity, determination and hard work are enabling many to realize their dreams and to move their province and their country forward.

There are new opportunities today for everyone. The information age holds the promise of the ultimate age of equal opportunity. Computers and the Internet can truly level the playing field between urban and rural communities, Central and Atlantic Canadians, the rich and the poor. I recently learned of someone who lives in Mount Pearl, Newfoundland, and who "tele-works" for a Los Angeles animation company. Where he lives is not important to his employer. All that matters is his talent — and his Internet connections.

The people of my province, Nova Scotia, know this very well. In every corner of the province, there are dozens of information technology businesses ready to leap on the information superhighway. Nova Scotians are already on that highway, some speeding to success.

The Prime Minister has set a goal: to make Canada a world leader in the smart use of electronic ways of doing business and to encourage the rapid use of e-commerce throughout the economy.

Honourable senators, Nova Scotians lead Canada in buying and selling products over the Internet. We saw the opportunity and we seized it early on. Let me give you an example.

In 1995, when the real estate market was taking a beating, the management of two twin office towers in downtown Halifax had a serious problem. The towers, which accounted for one-sixth of the office space in downtown Halifax, were severely underoccupied. Then management took a big risk. They wired the towers for high-speed, cutting-edge access to the Internet. In November 1998, these towers — Purdy's Wharf — made history when they became the first building complex in Canada to be its own Internet service provider.

This foresight, imagination and investment has paid off. Purdy's Wharf has grown from eight information technology firms occupying 35,000 square feet in 1995 to some 40 such firms occupying 120,000 square feet. The tenants include AT&T Canada, Clear Picture Corporation, Fonorola, Fundy Communications, IBM Canada, iStar Internet, Knowledge Navigators International, Nova Knowledge, Sprint Canada, and Xerox Canada, to name just a few. Linked by a fibre optic cable network, a powerful data circuit is made available to any tenant, providing 24-hour access to the Internet at roughly 100 times the speed of a conventional modem. The development also established an intranet to allow networking among the tenants. In other words, the landlord took a bad real estate market and turned it into an opportunity, one that itself has created a hub of exciting high technology in the heart of Halifax.

Initiatives such as these, both public and private, are working. The September unemployment rate in Halifax was 6.2 per cent, the lowest it has been since World War II. This was the same rate as in Toronto and lower than the national average of 7.5 per cent for that month.

We have the talent, honourable senators, and this government is working to make sure that all Canadians, wherever they live in Canada, have the tools they need to seize their potential. The Prime Minister was very clear in his speech in reply to the Speech from the Throne:

Getting Canadians connected, to each other, to schools and libraries, to our diverse stories and voices, to government, to the marketplace and to the world, is one of the key elements in establishing Canada as a world-leading economy and as a country of opportunity. We must aim to be the most connected country in the world.

Again, this government has set very concrete goals to achieve this:

By March 31, 2001, 6,000 new community access sites will be established in urban and rural Canada, to ensure that all Canadians, regardless of geographic location, have affordable access to the Internet. To ensure they have the skills required to use new information technology, we will recruit up to 10,000 young Canadians to train community members of all ages.

• (1610)

Honourable senators, skills and training are essential elements if we are to benefit from these new opportunities. The government announced that it will establish partnerships with other governments, public and private sector organizations, and individuals to establish a national action plan on skills and learning for the 21st century. The plan will focus on lifelong learning. It will address the problem of poor literacy among adults, and will provide citizens with the information they need to make good decisions about developing their skills.

This government is harnessing the power and opportunities of this new information age to extend the opportunities of the new, post-industrial industries throughout our vast and diverse country to Canadians everywhere. Let me read to you once again from the Speech from the Throne:

Our knowledge-based economy is more than high-tech companies. It is an economy in which all sectors strive to use leading technologies and processes. It is an economy in which old barriers to access or of distance matter less — where technology enables urban and rural communities from the Atlantic to the West to the North to compete globally, and where technology opens new doors to all Canadians. It is an economy in which rural Canada also benefits from value-added activity, environmentally astute land management, and new job skills and opportunities. It is an economy in which clusters of technology development already exist in smaller communities all over Canada. Indeed, it is an economy in which technology can lead to greater economic stability for the primarily rural regions in which cyclical resource industries — agriculture, fisheries, forestry, mining and tourism — are now the dominant sources of wealth. The government will encourage the development and adoption of new technologies in all sectors.

Let us come back to my own province. How will Nova Scotia benefit? Again, very concretely, honourable senators. The energy sector holds tremendous promise for Atlantic Canada. I am personally very hopeful that it will open up new, challenging areas of research and development for the region that could lead, in turn, to exciting possibilities and applications outside of Atlantic Canada. The new Centre of Excellence in Petroleum

Development and Petroleum Education, established at the University College of Cape Breton, could serve as a springboard for this research and development. I recently had the opportunity to announce the establishment of the Atlantic Canada Petroleum Institute at Dalhousie University in Halifax. These institutions are already working together and, indeed, forging alliances with leading petroleum engineering institutions elsewhere in the world. The technical and environmental challenges posed by the offshore energy project are mirrored by the opportunities presented. It is a very exciting time.

The world today is a very different place than even 20 years ago. Farms today often look like sophisticated intense manufacturing operations with large-scale manipulated growth and non-seasonal harvesting. Traditional resource industries, like forestry and mining, are being impacted by biotechnology research. It is commonplace to sit at a desk overlooking the shore in Lunenburg County and, with the click of a mouse, exchange information and ideas with people halfway across the world.

Honourable senators, it is not enough to teach our young people how to use a computer or how to program software. We must open their eyes and their minds to the potential of the world around us. This government recognizes that fact. In the Speech from the Throne, the government announced that it will enable young Canadians to apply their energy and talent overseas by participating in international apprenticeship programs and helping developing countries get connected to the Internet.

These experiences can be invaluable, such as the first-hand concrete training they provide; the insights into other countries and other peoples; the awareness that the world is a big place but that distance is not a barrier to working together. These are important lessons that will position our young people — our future leaders — to carry our communities and our country into the 21st century. These are initiatives that can help small communities, as well as large urban centres.

I have great confidence in the people of Canada, and they have a growing confidence in themselves. Whether they live in the midst of our great urban centres, or on a rocky outcrop in Atlantic Canada, or in the forested interior of British Columbia, the message of the Speech from the Throne is that distance today matters less than ever before in our history. This government will work to ensure that Canadians, wherever they live, have access to the tools they need to make it in this new, post-industrial age.

Will it be easy? It is never easy. Building this country certainly was not easy. Our forefathers and mothers founded this country against the odds of a very harsh climate, impossibly vast distances, and profound linguistic, cultural and religious differences. What were the odds? They did not allow themselves to be defeated by these difficulties. We owe it to these pioneers, who dreamed this country and then made it happen, to now ourselves dream a dream for the next century. The new pioneers are alive and well in Atlantic Canada, as they are in all parts of our country. These new pioneers who dream the dream of the 21st century will have no patience with the naysayers and the doomsday prophets.

Honourable senators, our Governor General gave an inspiring speech in this very chamber when she assumed her new position. She said:

We must not see ourselves as people who simply react to trends but as people who can initiate them. We must not see ourselves as people to whom things are done but as people who do things.

This government has declared its intention to see this country proud and prosperous, leading the world into the next millennium and beyond. All of us, as parliamentarians, should be honoured to be in a position to help make this come true.

Some Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I, too, wish to congratulate the Governor General on her appointment and wish her well in her new role as representative of Canada's head of state. Madam Clarkson succeeds one of our former colleagues who brought special personal characteristics to a demanding and not always understood role. May Roméo LeBlanc, and his charming wife, Diana, have many happy years of a well-earned retirement on the shores of the Northumberland Strait.

Politics can be as cruel as it can be exhilarating, and not just following an election result. Relationships between its participants, too many times strained by personal ambition, frequently test one's mettle, sometimes to the breaking point. The success of a political party is intrinsically linked to its supporters' loyalty to it, not the least to its leader, no matter personal disappointment or setback.

Honourable senators, these reflections come to mind in the light of Senator Graham's sudden removal from the responsibilities of Leader of the Government in the Senate. During his term, Senator Graham's commitment to the Senate and to Nova Scotia was a total commitment to meet government and party objectives. His stature as a man of honour and principle was never more challenged than it was last month, and his conduct since reaffirms it as nothing else could. Let me borrow and paraphrase from Edmund Burke to summarize my reaction to Senator Graham being so cavalierly moved to the sidelines: Magnanimity in politics is often the truest wisdom, and a great political party and little minds do not go well together.

• (1620)

This being said, on behalf of my caucus colleagues and myself, I wish Senator Boudreau well as Leader of the Government. His admission, however, that he is here primarily to promote his party's fortunes in Nova Scotia — at which I think he did extraordinarily well in his remarks a moment ago — is disturbing, as it raises questions as to the use of the appointed chamber to seek elective office. Senator Boudreau has stated quite clearly that he intends to be a candidate for a seat in the House of Commons come the next election. This, to me, is like a

player in the National Hockey League anxious to be sent down to the minors. Hopefully, Senator Boudreau will soon come to appreciate the performance and significance of the Senate and to the realization that it is in this chamber where legislation is most properly scrutinized, where partisanship is never shrill, and where government supporters, ministers and backbenchers alike are treated as individuals, not as rubber stamps, and act accordingly, free from the constraints imposed on our caucus colleagues in the other place.

As mover and seconder for an Address in reply to the Speech from the Throne, Senators Kroft and Furey acquitted themselves with great distinction and eloquent feeling. One must not look to their remarks, however, to get anything but a vague reference to the speech itself which so unfairly burdened Her Excellency, in sharp contrast to the one she gave following her swearing in. Senator Kroft dismissed it in a few short paragraphs and gave us an appreciation of his strong commitment to his country and to the government, as did as well Senator Furey.

Indeed, they had little choice, as a speech so anticipated has immediately become a non-event. What should have been a vision of the next century turned out to be paragraphs of platitudes. The anticipation was based on a widespread expectation of concrete proposals to resolve serious current problems. Instead, to everyone's amazement, there was not a word on western agriculture which is going through its worst crisis since the 1930s, on fisheries which have suffered serious complications, on illegal immigration which underlines serious flaws in Canadian legislation, on passenger airline difficulties which even today the government leaves to something called "the market" to resolve, and on tax relief which, if one deciphers the few words devoted to it, will be addressed just prior to the next election. Poverty and the plight of the homeless were given little attention. Nonetheless, there are two subject-matters in the speech on which I wish to comment.

The first is in the statement that the government "will never let the nation's finances get out of control again." It is reassuring to see that those who were there at the time and deliberately let the nation's finances get out of control have finally seen the light, however reluctantly. I think in particular of the Prime Minister who, as President of the Treasury Board and Minister of Finance in the 1970s, was a significant contributor to a near six-fold increase in the budgetary deficit and a more than doubling of the net public debt. What is not acknowledged by this government but is more and more being recognized and appreciated elsewhere is that the fiscal and monetary successes of the moment result from the fact that they are a continuation of the policies adopted by the Mulroney governments and constantly opposed by Liberals at the time — reduction of program spending in line with real national needs, creation of an operating surplus, reduction of interest rates, and a reduction in the inflation rate. These results, which would never have been achieved under the Liberals of old — plus free trade, also violently objected to by the same free spenders — are now the mainstays of the current government's policies, a government

which shamelessly ignores the extraordinary efforts made by the Mulroney governments, embarrassed as they should be by their vigorous opposition to them as they were being introduced, not the least, of course, being the Goods and Services Tax. In September 1990, the Liberal leader stated:

....the position of the party and the caucus is clear: We are opposed to the GST and we do not want to see it implemented.

Recently, the Prime Minister lauded the tax and dismissed any attempt to remove it, even on reading material, as evidenced by a vote here in September.

[Translation]

The second point in the speech that attracts my attention is the most worrisome, because it impacts upon the future of this country:

The Government of Canada therefore reaffirms the commitment it has made to Quebecers and all other Canadians that the principle of clarity as set out by the Supreme Court of Canada, will be respected.

This, added to certain less ambiguous comments by certain government spokespersons, suggests that, if there were a referendum, the Liberal government intends to use its own interpretation of the Supreme Court of Canada's opinion on the matter of a vote in favour of sovereignty!

I say opinion rather than decision, because that is what the Supreme Court has in fact brought down. There is nothing in the opinion that is binding on anyone whatsoever. I believe the Court went too far, going beyond the three issues on which it was asked to decide, and in so doing participating in a political debate that is not within its mandate. Why? Because, by suggesting the process to be followed before and after a referendum favourable to secession, the Supreme Court has in actual fact legitimized the desire of one province to break away from the Canadian federation: The court advises a clear question, a strong majority, negotiations, without giving any details. The federal government interprets this opinion as indicating that it has a unilateral prerogative to do so. How else could one interpret the commitment in the Throne Speech to ensure that "the principle of clarity, as set out by the Supreme Court of Canada, will be respected"?

As well as believing that the Supreme Court has gone too far in its statements, I am equally dismayed that the federal government is stating its preparedness to take part in a referendum, not only before one is held, but even before it is announced. The top priority for any national government must be the unity of the country, and it ought never to take any action that would be contrary to that unity. By interpreting a series of vague conditions from the Supreme Court as it sees fit, the government is in fact liable to find itself ending up a partner in an adventure that could cost all Canadians dearly.

[English]

I wish to end with a major concern which preoccupies many, and that is the growing irrelevancy of Parliament, especially that of the House of Commons.

I have never hidden my admiration for the United States form of government because it is based on a system of checks and balances that limits the excesses in which one branch can successfully engage by itself. The President and the Congress are more often than not constantly in search of compromise, as both are major participants in the development and final adoption of legislation. Executive indiscretions and cover-ups seldom remain hidden for long, as a slightest whiff of them arouses Congress to investigate them. Of course, many times the legislative branch will take exaggerated advantage of its jurisdiction to hold up indefinitely a presidential appointment or some other executive initiative, but this does not take away from the fact that both branches are more or less on the same footing and can seldom succeed independently of each other.

Honourable senators, contrast that healthy relationship with the anaemic one in this country where the executive, which in law is the Governor in Council but in fact is the Prime Minister's Office, runs roughshod over members of the House of Commons, not least those on the majority side who are cowered into doing the PMO's bidding, otherwise demotion and non-recognition result.

The House was in session only a few days this month when the government imposed closure on Bill C-6. Closure was threatened on legislation regarding the Nisga'a Final Agreement. Why? Simply because these bills, we are told, had been debated enough elsewhere, and further discussion in the House of Commons would bring nothing new to the debate. Can disdain for parliamentary democracy be expressed more clearly?

Unfortunately, the Senate was treated more or less the same way in September when it was recalled to debate Bill C-32, the environment bill, and Bill C-78, the pension bill. The new Minister of the Environment, no sooner in office, announced that Bill C-32 had been debated long enough and that no amendments would be accepted. Closure was imposed by the majority on the committee, which then unanimously reported to the Senate that there were so many deficiencies in the bill that a review of it should begin immediately after passage. Closure was imposed at third reading, the government side arguing that while there were many flaws in the bill, it was still better than the act it was called to replace.

• (1630)

What the Senate majority did in passing Bill C-32 is knowingly support a bill which it knew was deserving more study in line with the traditional role the Senate. It was not one of its finer moments.

The pension bill was delayed from June until September in order to allow Treasury Board and the Public Service Alliance an opportunity to meet over the summer months to try to iron out certain misunderstandings, especially with regard to the surplus. Treasury Board refused to meet with the union if the surplus was on the agenda, maintaining that it belonged in total to the government. The new President of the Treasury Board showed the same inflexibility. Thus, the unanimous will of the Senate was completely disregarded. During third reading debate, we were advised that if the union wanted to advance its claim to part ownership of that surplus, all it had to do was take up a court action.

Once again, the Senate abdicated its traditional role of serious examination of legislation in favour of bowing to an instruction from elsewhere to be done with the bill, whatever its weaknesses. In this case, the indecency of the haste was compounded by the knowledge that the major disagreement was to be resolved not by Parliament but left to the courts. No doubt these same parliamentarians, in case of a court decision not to their liking, will be the first to complain about judicial interference.

I spoke earlier of the new Leader of the Government in the Senate being impressed with the work being done here compared with that in the other place. I trust that what happened in September was prompted more by pre-prorogation impatience than by the beginning of an effort to diminish the Senate's contributions to the parliamentary process and that this session will see us back in our traditional role, always mindful, of course, of the will of the elected house.

I also trust that constant rumours of stripping the opposition of all but one committee chairmanship are also ill-founded. Any detached observer can but agree that committee chairmanships held by my caucus colleagues during Parliament's first session were exercised with distinction and as a credit to the Senate. Any attempt to reduce the contribution of non-government supporters to the committee system without just cause will be strongly resisted, not out of petty egoism, but because the great value of this place rests on a foundation of working together and not against each other.

When we had a majority in opposition, we resisted many times — with difficulty, I admit — the urge to obstruct for the sake of obstruction, which was the case during much of the 1980s and in 1990 when the roles were reversed. We deliberately worked toward the defeat of only two bills, those dealing with the Pearson airport and redistribution, as they were clearly unconstitutional. At all times, we are conscious that the will of elected representatives must be respected, as long as it is expressed within constitutional bounds.

Honourable senators, the Senate's success is measured not by the massive use of numbers to ram bills through but by the contribution of all members toward the improvement of legislation sent here from the other place. To deny the opposition anything but an insignificant role in this process will be to turn the whole place into a mirror image of the House of Commons and give even more ammunition to those who seek its abolition.

That the new Leader of the Government seeks through his ministerial responsibilities political benefits in his province is one thing. That he might favour reducing the opposition to an irrelevant nuisance to be dismissed because it is numerically inferior, however, would be both an insult to this institution and an unnecessary provocation. Such an approach could easily alter the current spirit of cooperation and harmony which, ironically enough, is not foreign to the opposition's respect for the Senate, a respect the majority, I trust, will continue to share.

On motion of Senator Hays, debate adjourned.

MEDICAL DECISIONS FACILITATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sharon Carstairs moved the second reading of Bill S-2, to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain.

She said: Honourable senators, the purpose of Bill S-2 is to facilitate the making of medical decisions by patients through the protection of health care providers from criminal liability when they act in accordance with their patients' wishes. More specifically, the bill would clarify the law by protecting health care providers when they, first, withhold or withdraw life-sustaining treatment at the request of the patient; or, second, administer pain-relieving medication to alleviate massive physical pain.

This bill also provides for the Minister of Health to establish national guidelines and to promote education and training in the areas of the withholding or withdrawal of life-sustaining medical treatment, the controlling of pain, and palliative care.

Bill S-2, the short title of which is the Medical Decisions Facilitation Act, is the third bill of its kind to be introduced to this chamber in recent years.

Honourable senators, on November 27, 1996, I introduced Bill S-13, to amend the Criminal Code (protection of health care providers). That bill died on the Order Paper with the federal election call in May 1997.

In the last session of this Parliament, Senator Thérèse Lavoie-Roux introduced Bill S-29, which had the same general purpose as Bill S-13, the protection of patients and health care providers. Bill S-29 died on the Order Paper with the prorogation of Parliament in September of this year.

In my view, Bill S-2, the proposed Medical Decisions Facilitation Act, incorporates the best of both Bills S-13 and S-29. However, let me make it perfectly clear to all honourable senators that I do not consider this my bill. I consider this bill to be the bill of the Special Senate Committee on Euthanasia and Assisted Suicide. It is the work of the former Senator Joan Neiman, Senators Lavoie-Roux, Corbin, Beaudoin, DeWare, Keon and, yes, of me, since I, too, sat on the committee.

If I were to dedicate this bill to anyone, however, it would be to the late Senator Noël Desmarais who, while not a full-time member of the committee, replaced Senator DeWare for several months while she was caring for her sick husband, and who continued to dialogue with us until confronted with his own terminal illness. His input was invaluable, and we must not ever forget it.

Honourable senators will note that Bill S-2 begins with a preamble. On February 23, 1994, the Special Senate Committee on Euthanasia and Assisted Suicide was appointed "to examine and report upon the legal, social and ethical issues relating to euthanasia and assisted suicide." It quickly became clear to the members of the committee that we could not deal alone with the issues of euthanasia and assisted suicide, which is why many of the chapters in this report have nothing to do with euthanasia and assisted suicide. They have to do with palliative care and with the withholding and withdrawing of life support treatment. They have to do with the controlling of pain.

On June 6, 1995, the committee submitted to the Senate its report entitled, "Of Life and Death." In my view, the preamble to this bill is essential in order to give the credit to the Senate that it so richly deserves. I know that some legal draftspersons do not like preambles. However, in this case it is not only positive, but, in my view, just to the work of this extremely hard-working committee.

Let me turn now to the specifics of Bill S-2. Clause 2 of the bill provides that no health care provider is guilty of an offence under the Criminal Code by reason only that the health care provider administers medication with the intention of alleviating or removing the physical pain of a person in dosages that might shorten the life of that person.

• (1640)

In "Of Life and Death" the special Senate committee recognized that the practice of providing treatment to alleviate physical pain, even though it may shorten life, is currently legal.

The Criminal Code does not prohibit palliative care even if it hastens the death of a patient, so long as the care is carried out in accordance with generally accepted medical practices. However, a number of witnesses testified before the committee that doctors are often reluctant to provide sufficient pain control medication to alleviate suffering if there is a possibility that it may shorten the life of patients, for fear that the doctor might be held criminally liable. The great tragedy that is occurring daily across this nation is that, because of this fear on the part of physicians, patients are often not receiving adequate palliative care; they are not getting sufficient pain relief.

Because of evidence from a wide variety of witnesses who testified as to the confusion that exists among health care providers and the general public regarding the legal status of the practice, the special Senate committee unanimously recommended that the criminal law be clarified.

There are many palliative care physicians who would argue that the provision of pain relief never shortens life. We heard testimony that patients whose medication is titrated appropriately simply adjust to the increasing amount of medication given. However, we simply do not know, and in my view it is really not the issue. The concern that each and every one of us must have is that patients in Canada are entitled to be as pain free as possible.

The Senate committee was not alone in recommending clarification of the criminal law regarding the permissibility of providing, in order to alleviate suffering, treatment that may shorten life. It was recommended by the Law Reform Commission in its report in 1983. Moreover, the Canadian Medical Association has advocated clarification of the law in this area since 1992.

The special Senate committee used the broader terminology "alleviation of suffering", but the wording of clause 2 narrows the scope and excludes situations where medication might be administered to alleviate emotional or psychological suffering. In my view, we must proceed slowly; nothing in this bill should cause undue controversy, and yet the area of emotional and physiological suffering is fraught with controversy. Clause 2 does not provide protection where another ground of criminal liability, such as criminal negligence, might exist.

Honourable senators, let me be absolutely clear that clause 2 specifically does not apply to situations where there is an intention to cause death. It applies only where the intent is to alleviate the physical pain of the patient. It is very important to stress that. No one should be removed from criminal liability if it is their intention to kill.

Clause 3(1) of Bill S-2 provides that no health care provider is guilty of an offence under the Criminal Code by reason only that they withhold or withdraw life-sustaining medical treatment from a competent person who requests that the treatment be withheld or withdrawn.

Clause 3(2) clarifies the circumstances in which a request is valid under clause 3(1). An advance written directive made under the laws of a province will always take precedence. Most provinces have already enacted some type of legislation regarding advance directives. The most recent province to have advance directive legislation is Alberta, where the Personal Directives Act was proclaimed and took effect on December 1, 1997. Manitoba, Newfoundland, Nova Scotia, Ontario, and Quebec have also legalized the making of what is called, in the vernacular, living wills. British Columbia and Prince Edward Island have passed such laws, but they are not yet in force.

In the absence of an advance written directive under the laws of a province, an informal written directive, or a request made orally or by signs made at any time, is a valid request if it is made in the presence of at least one witness.

Subclause 3(3) provides that a substitute request can come from a proxy, legal representative or spouse, only if the patient is incompetent and did not, while competent, make a valid request.

In "Of Life and Death" the special Senate committee defined "the withholding of life-sustaining treatment" as "not starting treatment that has the potential to sustain life"; for example, not initiating cardiopulmonary resuscitation, not giving a blood transfusion, or not starting artificial hydration or nutrition. It defined "the withdrawal of life-sustaining treatment" as "stopping treatment that has the potential to sustain life"; for example, removing a respirator.

The special Senate committee recognized that Canadian courts have held that there is a common law right of patients to refuse to consent to medical treatment or to demand that treatment, once commenced, be withdrawn. Cases such as *Malette v. Schulman* in 1990, *Nancy B. v. Hôtel-Dieu de Québec* in 1992, and the *Rodriguez* case in 1993, specifically recognized this right, even though the consequence of withholding or withdrawing life-sustaining treatment is death.

I think it is important to review some of these cases with you.

In *Malette v. Schulman* in 1990, the Ontario Court of Appeal held that instructions on blood transfusions issued when a patient was competent had to be followed even when she was incapable of making a decision. The court found that the physician must follow a Jehovah Witness' written instruction refusing all blood transfusions, even in an emergency situation where the patient was unable to give consent.

In the January 1992 decision in the case of *Nancy B.*, the Québec superior court ruled that a competent adult patient suffering from an incurable disease, and bedridden for life, had the right to request that her doctor disconnect the respirator keeping her alive. In making his decision, Mr. Justice Dufour cited sections of the Québec Civil Code which provide that the human person is inviolable and that no one can be made to undergo treatment without consent.

The case also dealt with the issue of the criminal liability of the doctor who, at Nancy B.'s request, would be required to remove her from the respirator. After referring to sections 216, 217, 45 and 219 of the Criminal Code, as well as the provisions dealing with homicide, the judge concluded that it was neither unreasonable nor wanton and reckless conduct for a physician, at the request of a patient, to disconnect the patient's respirator and allow the patient's disease to take its natural course. He also found that the doctor would not be aiding the patient to commit suicide or committing an act of homicide, since Nancy B.'s death would result from the underlying disease.

In 1993, Mr. Justice Sopinka of the Supreme Court of Canada, writing for the majority in the *Rodriguez* case, also acknowledged the right of patients to refuse to consent to treatment or demand that treatment be withdrawn even where doing so would result in death. It is important to remember that the majority in this case did not favour euthanasia and assisted suicide. However, they did favour the right to withhold or withdraw treatment, which is the subject of this bill.

However, honourable senators, witnesses before the special standing committee testified that in some cases patients' wishes were not being honoured because the Criminal Code was unclear and health care providers feared that they would be held liable. Because of this evidence as to the confusion that exists among health care providers and the general public, the special Senate committee again unanimously recommended that the existing common law be codified in order to clarify the circumstances wherein the withholding and withdrawal of life-sustaining treatment is legally acceptable.

Again, the Senate committee was not the first to recommend a clarification of the law in this area.

• (1650)

In 1983, the Law Reform Commission of Canada recommended that the Criminal Code be clarified in that respect as well. Since 1992, the Canadian Medical Association has advocated the clarification in the Criminal Code of the legality of the cessation of treatment in order to protect health care providers from liability.

Honourable senators, clause 6 of Bill S-2 is the most clear example of the merging of Bill S-13, my original bill, and Senator Lavoie-Roux's bill, Bill S-29. Bill S-29 provided for the establishment of national guidelines for pain control and withholding and withdrawal of life-sustaining treatment.

Clause 6 of this bill provides for the Minister of Health to establish national guidelines, in consultation with provincial authorities and associations, for the withholding and withdrawal of life-sustaining medical treatment, for the controlling of pain, and for palliative care. The bill allows for the Minister of Health to promote and encourage public education and training of health care professionals in controlling pain and in palliative care. The bill further provides for the investigation, research and monitoring of the frequency and conditions of requests for the withholding and withdrawal of treatment.

The Senate's special committee, in its report, "Of Life and Death," recognized the importance of national guidelines in these areas. Numerous witnesses before the committee recommended increased education and training for health care providers in palliative care and pain control. Almost all the witnesses who appeared before the special Senate committee agreed that more research was necessary in these areas.

Honourable senators, Bill S-2 is a direct result of the work of the Special Senate Committee on Euthanasia and Assisted Suicide. In my view, it comprises the best elements of the previous two bills that were introduced in this chamber. Its purpose is to clarify the criminal law by codifying the existing common law and making it accessible and understandable for all Canadians, in order to protect patients and their health care providers.

I look forward to the debate on this bill. More important, I look forward to the committee process, wherein I would envisage further study and debate. I particularly welcome the participation of Senator Lavoie-Roux, who, like me, wants to see the recommendations of the Senate special committee put into force and effect. Perhaps this bill still does not have it right. We are not perfect as human beings, unfortunately. I would hope that the Legal and Constitutional Affairs Committee of the Senate will examine this bill fully and with care, in order to meet the needs of Canadians, and to make amendments to enhance the bill, if necessary.

I want this bill to be the best it can be, and I know that that is the desire of Senator Lavoie-Roux and the other members of the special Senate committee. I hope that we can send this bill quickly to the committee so that the study, which, by its very nature, will be time-consuming, can begin as soon as possible, and before the Standing Senate Committee on Legal and Constitutional Affairs, known for the long hours and busy schedule that it keeps, is forced to deal with the heavy load of government legislation.

Honourable senators, I commend Bill S-2 to your deliberations, and I urge you to support it.

Hon. Douglas Roche: Would the honourable senator take a question?

Senator Carstairs: Certainly.

Senator Roche: Thank you. I should first like to express my appreciation to Senator Carstairs for the sensitive manner in which she has presented her bill. I hope there will be a thorough debate on this extremely important subject and that the bill will not be rushed, so that there will be a full opportunity, in the Senate on second reading as well as at committee stage, for the examination that it deserves.

In order to prepare myself for a contribution to this debate, I should like to direct two questions to Senator Carstairs, with her consent. First, Senator Carstairs made it very clear that the purpose of the bill is to alleviate pain and not to shorten life, but because some pain alleviation does have the effect of shortening life, is Senator Carstairs concerned that there could be here an opening of the door to assisted suicide? She has made it very clear that extraordinary treatment to prolong life is, ethically, not required, but, in the treatment of terminally ill patients, is there not some apprehension that the various pressures that arise can lead to some form of encouragement and/or pressure to use pain-alleviation drugs and medicines for a secret purpose, or a purpose that is not put overtly, which is in effect to shorten life?

Senator Carstairs: Honourable senators, I thank the honourable senator for his question, because that really is the nub of the whole issue here. That is why we have to have guidelines and a control system put into place.

I would refer the honourable senator to the Catechism of the Catholic Church, particularly to paragraph 2279, because I think

they understand the difference quite clearly. The catechism says the following:

Even if death is thought imminent, the ordinary care owed to a sick person cannot be legitimately interrupted. The use of painkillers to alleviate the sufferings of the dying, even at the risk of shortening their days, can be morally in conformity with human dignity if death is not willed as either an end or a means...

To me, that kind of clarity is so necessary that, if the bill does not have it, we must make sure that it does. I think it already does, but if it does not, then let us amend it so that it is absolutely clear.

Senator Roche: I thank the honourable senator. That answer is certainly helpful to the core of the debate that is now being developed.

My second question deals with the Criminal Code. I am not clear in my own mind as to why this bill seeks to codify existing common law or to allow certain actions that might, in effect, be criminal actions without addressing the Criminal Code itself through an amendment. Why is this bill bypassing an amendment to the Criminal Code itself?

Senator Carstairs: Honourable senators, again I thank the honourable senator for the question. Interestingly enough, in the first bill I proposed, there was a direct amendment to the Criminal Code. However, it became clear, during the debate and discussion in the Senate chamber and also later through the presentation of Senator Lavoie-Roux's bill, that we were trying to do more than just amend the Criminal Code. We were also trying to establish national guidelines and put into place some controls and some educational experiences in the whole area of pain control and also in areas of research. Therefore, I went the route that has been recommended by, for example, Peter Hogg, the constitutional specialist, who says clearly that the Criminal Code can be amended not just by direct amendments to the Criminal Code but by an act that works with the Criminal Code, and that is what this act does.

On motion of Senator DeWare, for Senator Lavoie-Roux, debate adjourned.

• (1700)

SHELTER STRATEGY FOR ABORIGINAL PEOPLES

INQUIRY—DEBATED ADJOURNED

Hon. Thelma J. Chalifoux rose pursuant to notice of October 14, 1999:

That she will call the attention of the Senate to "Shelter Strategy for Aboriginal Peoples".

She said: Honourable senators, it is difficult for most Canadians to make sense of the reasons for the persistent differences between the conditions and challenges faced by aboriginal peoples and people in the rest of Canada. It is also difficult for them to truly grasp the reasons why different solutions are needed, solutions that flow from aboriginal realities, rights, values and strengths. It may be difficult, but it is essential if we are to move forward in harmony.

This shelter strategy is to determine whether recent federal decisions will lead to shelter improvements for aboriginal families and whether the present federal strategy can be significantly improved. This working paper is intended to facilitate a genuine dialogue about the principal features of a strategy that will take us into the next century and the best way to implement it.

We have chosen to dwell on the strengths of all peoples in Canada and the sources of these strengths to arrive at a contemporary strategy. One source of strength sometimes forgotten or put aside is the will and the right of aboriginal peoples — the Métis, the Inuit and the First Nations people — to seek and implement their own solutions. It is this strength that has spawned hundreds of successful grassroots initiatives. Sometimes they have become bogged down in red tape or somehow derailed. Other self-made initiatives have grown into regional and then national networks, and prominent institutions we now rely on. If we can better combine aboriginal and Canadian strengths and liberate these strengths to create shelter improvements, we will have done much more than anyone might suspect.

I shall turn now to the subject of the scope and intent of a shelter strategy for aboriginal families. Some may think we do not need another study of housing conditions or a study of ways to tinker with national programs in the hope that some benefits will reach aboriginal families. We agree. Too many of these studies have already been done, with little improvement to living conditions. Besides, we have all had the benefit of the advice and unparalleled research of the Royal Commission on Aboriginal Peoples of 1996. Now we have seen the early achievements of the "Gathering Strength" initiative, the federal government's action plan introduced in January of 1997.

We had hoped the other partners in Confederation would come forward and announce their plans and their priorities. What has come forward is a disappointment. Some progress is evident, but even so, several senators and aboriginal leaders have become increasingly concerned about the lack of action towards improving shelter conditions for aboriginal families.

Our intent is to rekindle a national dialogue about making a clearer and stronger shelter strategy for aboriginal families. We wish to focus on the future direction of a strategy for families living outside reserve lands and lands set aside for aboriginal people under comprehensive land claim agreements. Aboriginal families living on these lands have very different treaty and

statutory arrangements for dealing with shelter matters than families living in other locations.

Nonetheless, any shelter strategy must respond to the population shifts from these lands. Many Métis, Inuit and First Nations people will leave their ancestral communities to seek jobs, promising opportunities and decent shelter in the cities and towns of Canada. It is a growing trend and it will continue.

The higher than national average growth rates and youthfulness — 10 years younger than the general population — is well known. Fifty years ago, less than 200,000 aboriginal people were counted. Now more than 1 million live in Canada. This figure, however, does not include the Métis population of this country.

Many others aboriginals live in the United States and may or may not return after their working years. Future growth rates forecast the aboriginal population will rise another 400,000 over the next generation. Their social and economic circumstances may show only modest improvement. A reasonable shelter strategy must be able to address the expected future circumstances of the aboriginal population and the emerging priorities.

I shall turn now to the reasons for the differences in aboriginal shelter conditions and challenges. One principal reason over half of today's aboriginal families live in substandard shelter is a lingering and deep poverty. Many are either one cheque away from living on the street or will add to already overcrowded conditions in rural, remote and urban communities. When aboriginal people do get jobs, they are often lower paying, and their paycheques must be stretched to accommodate the basic needs of food and clothing in larger-than-average size families.

It is estimated that aboriginal employment income is two-thirds of the national average. Over 40 per cent had no employment income in 1995. Credit is often poor or non-existent. What would happen if aboriginal peoples were to achieve employment and wage parity with the average Canadian? Obviously, a higher standard of living would be assured and all of Canada would benefit.

In 1991, former minister of Indian and northern affairs Thomas Siddon testified that if parity were achieved by the year 2000, Canada's gross national product would improve the federal fiscal position by \$4.3 billion and reduce the national debt by \$20 billion. The royal commission ventured its own analysis on this point. The commission estimated that it costs Canada \$7.5 billion per year so long as the economic and social circumstances of aboriginal peoples remain below the national average. Importantly, this cost consists of a loss of net income of \$2.9 billion to aboriginal peoples and a fiscal cost of \$4.6 billion, including \$2.1 billion in foregone government revenue.

Sadly, a shelter strategy will need to contend with deep aboriginal poverty because there is no evidence that the economic and social disparities between the general and the aboriginal populations will soon disappear.

The recent rise of literacy rates and overall education levels will help some families, but good shelter will remain unaffordable for far too many others. The economic gaps have closed far too slowly over the past 20 years to suggest that aboriginal poverty has been dealt with.

Of course, there are other reasons for the differences in shelter conditions. Some are more obvious than others. Together they have caused great hardship. If we are to put a shelter strategy on a solid foundation, it is wise to consider some of these reasons.

Discrimination, in all its forms, is still a reason for poor aboriginal shelter.

Another reason is that aboriginal shelter issues received government attention much later than the needs of other parts of Canadian society. Canada Mortgage and Housing Corporation was formed in 1946 to promote the construction of new houses, the repair and the modernization of existing houses, and the improvement of housing and living conditions. It was then called Central Mortgage and Housing Corporation. Nearly 30 years later, the rural housing program for aboriginal peoples came into existence. The 1978 Urban Native Housing Program followed. New housing commitments to these programs were terminated at the same time the federal government stopped making social housing commitments on January 1, 1994. In the entire history of the urban native program, no program evaluation was ever conducted.

A further reason for the disparities is the low priority accorded aboriginal shelter matters. One explanation for this may be the lack of aboriginal representation in the Parliament of Canada and participation in the federal public service. The halls of power and authority have few aboriginal voices to bring attention to the growing problems or their solutions. As well, much of aboriginal Canada was invisible to many Canadians. Most families lived on the outskirts of town, in remote northern reaches, or out-of-the-way communities. That made it much easier to ignore their conditions.

• (1710)

Just when more Canadians started to become aware of the needs of aboriginal peoples, national priorities changed. The unfortunate situation is that improved living conditions for Canadians overshadow the aboriginal reality. Governments may believe they have done enough now, and they may believe their policies and programs have worked well for the majority of Canadians. It is most difficult to sustain attention on aboriginal shelter issues when most Canadians live so well.

Honourable senators, the notion that aboriginal problems and solutions are simply scaled-down versions of Canadian problems and solutions is still another reason for poor results and outcomes within aboriginal societies. There is no evidence to suggest such a strategy has been successful over the years. In fact, it is a discredited model, and major studies of social and economic conditions, including the December 1998 homelessness study,

recommend distinct strategies to contend with the realities faced by aboriginal peoples. While there has been some aboriginal service delivery added to the administration of shelter programs, the basic policies and programs are the ones designed to address non-aboriginal problems, and management rests with the federal or provincial governments.

Jurisdictional wrangling over the responsibility for sheltering aboriginal peoples living outside aboriginal lands is a troublesome matter with no end in sight. Most provinces, territories and aboriginal leadership put much of the responsibility on the federal government. Yet transfers of cash, tax points, powers and administration steadily puts greater responsibility in the provincial sphere. It is a source of considerable controversy and has stymied the progress.

These are a few reasons for the differences in shelter conditions and the differences in the challenges faced by aboriginal peoples. We raise these to help shape future shelter solutions. There is no intention to blame.

The historical, legal and political reasons for poverty and powerlessness and the damage to aboriginal societies is another story — one told by the royal commission and in the testimony of many aboriginal leaders. Even so, it cannot go unsaid that these overarching reasons bear heavily on the lower social and economic status of aboriginal peoples today.

Honourable senators, I should like to spend a moment or two talking about the impacts and outcomes of past federal strategies. Federal strategies, at different times over the last 25 years, have relied on a non-specific mixture of subsidies for renovation, emergency repairs, a remote housing program, a specific urban program, a rural program with a 50 per cent target of aboriginal occupancy, tax credits, shelter allowances, and self-help projects, including home ownership, that were short-lived. Provincial and local governments cost-shared a small part of these programs but not all of them. For example, the Urban Native Housing Program was financed from aboriginal rents and federal subsidies only. Tripartite committees were formed with aboriginal service providers in some instances.

A recent estimate of CMHC expenditures for aboriginal peoples not living within reserves pegged the annual outlay at \$172.5 million to address shelter needs. The larger rural and urban housing programs made it possible for aboriginal families to live in low-cost, affordable housing. Approximately 10,700 homes are rented to urban aboriginal families, and these are owned and delivered by over 100 not-for-profit urban housing societies. Another 9,100 homes were estimated to be occupied by aboriginal families within the rural program. Most of them are home ownership. It is an estimate that fluctuates and is a source of dispute by many aboriginal leaders.

These are some of the positive impacts of past federal strategies. As well, there are other positive impacts resulting from renovation, emergency repair, senior, disabled, research and demonstration projects.

The statement of aboriginal shelter conditions is a much different matter, and if past federal strategies were intended to improve these conditions and bring them in line with the rest of Canada, then they failed. For those unfamiliar with the disparities in shelter conditions, a set of charts is attached. I will be tabling the attachment.

Suffice to say, honourable senators, the disparities are great but tell little of the hardship of the Métis, Inuit and First Nations people. Over one in three aboriginal families are in core housing need, compared to about one in ten non-aboriginal families. Core housing need is a basic measure of whether a family lives in substandard conditions and cannot afford to live in suitable living space.

Ten years ago, approximately 63,000 aboriginal families lived in core need. The population has increased, and the percentage of families in core need remains three times higher than the national average. The number of households grows and grows.

The December 1998 report of the Mayor's Task Force on Homelessness in Toronto reveals another impact of failed shelter strategies. Approximately 4,000 aboriginal people were homeless in 1996 in Toronto alone. Another 8,000 more were at the risk of becoming homeless, and this included many children. There is evidence that Toronto's situation typifies the situation in other cities, especially the six other Canadian cities heavily populated by aboriginal peoples. One out of five aboriginal people lives in seven metropolitan areas.

These are bleak statistics, but we will need to look deeper into the impact and outcomes of past federal strategies if we are to learn from mistakes and missed opportunities and to tap the strengths.

One of these strengths is the evolution of aboriginal housing societies. The societies have proven themselves very successful and trustworthy.

The Hon. the Speaker: Senator Chalifoux, I regret to interrupt you, but your 15-minute period has expired. Are you requesting leave to continue?

Senator Chalifoux: Yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Chalifoux: Thank you, honourable senators.

Hundreds upon hundreds of volunteers have given much of their time to these societies, and the dozens of dedicated staff have managed the construction and upkeep of their housing stock, and services to their tenants and applicants. The urban portfolio alone is now worth more than \$500 million. A variety of services are offered by staff, and other services are accessed by the extensive network set up among aboriginal service

organizations, including such services as Aboriginal Head Start, cultural activities, training and job placement, and friendship centre services and activities, where they are available. Construction and maintenance jobs are created, businesses are contracted, property and income taxes are paid, and, most of all, some families have a chance to get on their feet and then move on to the private market. Some housing societies have even started or tried to start small home ownership projects.

I can give you one good example. We had a family, a single parent with six children. We got her into an urban native housing program, and she said to me, "Thank you. For the first time I can buy oranges for my children."

A significant outcome is that many children are able to live in the community with other aboriginal children and families, which helps reinforce their Métis, Inuit and First Nations identities in better neighbourhoods than many other aboriginal parents can afford. They are waiting for this chance. It is a wonderful way to strengthen their identities, a key to keeping young aboriginal people away from the bad situations many youth find themselves in, and it keeps them in school. Modest accommodation in better neighbourhoods has given peace of mind and a sense of security to women, children and the older aboriginal people.

These outcomes do not make headlines, but they have made many lives better and they have created a capacity and desire to do much more.

There are still poor relations between aboriginal peoples and some local governments, but they may improve over time. At least shelter issues and housing societies have created a starting point for dialogue, if nothing else can bring them together.

Aboriginal housing societies also possess something rare. They are the only institutions that have an up-to-date profile of aboriginal families and a way of easily reaching them. Their waiting lists, coupled with existing tenants, allow them to know something about thousands of aboriginal families and their changing circumstances. They are an important tool to coordinating services to the neediest in the aboriginal society.

• (1720)

What are the choices for a future shelter strategy for aboriginal families and emerging priorities? The disproportionate shelter conditions of aboriginal peoples necessitate action in their own right. Even so, there are emerging priorities requiring attention. Recent figures reveal that 46 per cent of aboriginal children under five years of age living in large metropolitan areas live in a single-parent family. This is seven times the rate of the general population. Almost one-third of all aboriginal children live in a single-parent family. A woman heads most of the single-parent families. A highly coordinated strategy will be required to address the shelter, health, cultural, economic and early childhood needs of these families.

Demographic trends underline the youthfulness of the aboriginal population, and this will continue. The number of children under five for every aboriginal woman of child-bearing age is 70 per cent higher than the ratio for the total Canadian population. Lower wages and higher unemployment are characteristic of all youth, and they are more so for aboriginal youth.

Since the termination of new shelter subsidies in 1994, aboriginal housing waiting lists have lengthened. It is evident that the existing social housing stock cannot or does not take in aboriginal families. Provinces have cut back or terminated new commitments over the past few years, and there are no reliable figures on the number of aboriginal families in the general housing stock. It should be noted that the general housing stock relies on credit checks and income thresholds which screen out most aboriginal families in core housing need from accessing non-aboriginal assisted housing programs.

The royal commission estimated that 17,000 new units and 37,000 major repairs would be needed between 1996 and 2016 to address the backlog. In addition, 21,600 new households resulting from population growth and new family formation would also need assistance. With no financial assistance, living standards are expected to fall further, and the actual number of families in core need will rise.

Recent federal decisions have resulted in the transfer of funds and the administration of social housing to the provinces that chose to enter these arrangements. Ontario, Quebec, British Columbia and Alberta have now also opted into this transfer agreement. These transfer agreements include the rural and urban aboriginal housing programs.

The transfer process has created considerable conflict and dispute between CMHC and aboriginal housing providers. In particular, the urban aboriginal housing societies have advocated direct transfers to aboriginal housing societies through negotiated agreements and a national coordinating body. This position is well known and predates the policy to transfer programs to the provinces. Precedents for this type of arrangement are evident in the labour market training field and the friendship centres, among others. Arguments against the federal transfers to the provinces are historical, constitutional, and are deeply rooted in aboriginal peoples' self-determination objectives. It also centres on the lack of consultation about these transfers. Genuine consultation is a cherished principle in the evolving relationship with aboriginal peoples and a principle endorsed by the Supreme Court of Canada in decisions such as *Sparrow*.

As well, there are policy and day-to-day operational reasons for the opposition to provincial transfers. In fact, there is no evidence to suggest provinces can do a better job in administering programs than can the urban aboriginal housing societies. There has never been any independent evaluation to suggest this either. On the other hand, there is evidence that key

policies like the level of rent to income paid by tenants can be unilaterally changed at the will of the provinces.

CMHC has tried to assure aboriginal housing societies that its interests in their housing stock are protected in the transfer agreements and that they will not be worse off in the process. These assurances have been very unconvincing. A principle premise of the urban aboriginal housing societies is that there is federal responsibility for improving shelter conditions, and the provincial transfers move this responsibility further away from what should be done. They believe they have a right and a well-earned entitlement to make decisions on their own. If they chose to enter into agreements with provinces or local governments after, it will be their choice, based on their policies and their programs.

The choice is whether to reverse the transfer of aboriginal programs and negotiate transfer agreements with the aboriginal housing societies who want them or to leave the federal strategy to transfer responsibilities to the provinces.

Very strong arguments have been made to replace the core need model that measures affordability, suitability and adequacy standards within Canadian society with an aboriginal shelter model. For obvious reasons, this model would also include security of family and cultural practices. It would better reflect the aboriginal reality when need is assessed and strategies are developed to respond to this need. It would allow for future shelter strategies to be created with objectives now being pursued by some housing societies with next to no recognition by the governments. These objectives will ensure aboriginal shelter, make allowances for grandparents and elders, spiritual practices and assured access cultural activities, and allow early childhood programs and aboriginal services to access financial and employment assistance. The shelter strategy should be better able to protect families from crime and violence because of their aboriginal heritage.

Legislative amendments to the National Housing Act and the Canada Mortgage and Housing Act, assented to June 17, 1999, have given CMHC a more powerful tool to provide assistance and to deal with more types of organizations, according to the testimony of CMHC officials in a meeting of the Standing Senate Committee on Social Affairs, Science and Technology on June 9, 1999. This additional power and authority may be able to assist in the transfer of substantive authority and control to a new aboriginal shelter authority.

Such an approach was the centrepiece of recommendations made by the Standing Committee on Aboriginal Affairs in 1992 after extensive hearings and consultations. Among other things, the all-party committee recommended aboriginal shelter funding be delivered through one agency and that the mandate encompass lending, insurance, policy, decision-making, management of programs, research, training, economic development and financing. At the recent Assembly of First Nations housing conference, leaders advocated a similar structure to meet the needs of their First Nations people.

A new aboriginal shelter authority would be independent, with the capacity to implement legislative powers for aboriginal peoples. It would also have the ability to enter into arrangements with other federal departments and to coordinate or bring training and employment services, early childhood development services, health, education, and business development assistance to thousands of families.

Such a strategy would also free housing societies to do more with the same budgets. The difference between the federal borrowing and lending rates would be used to finance more homes, best practices research and management. It would also allow for the development of new services and mortgage products to help aboriginal families. These services might include the purchase and maintenance of student and medical accommodation through the better use of an estimated \$200 million in federal expenditures for these types of accommodations.

Honourable senators, the transfer of these federal duties can be accomplished without new legislation. It would likely be necessary for the Prime Minister to exercise his authority under the Public Service Transfer of Duties and Rearrangements Act, formalized with appropriate transfer agreements. In the long term, new legislation can be prepared and passed to recognize the existence of local aboriginal housing authorities with unique legal characteristics, powers and duties. These local authorities will no longer be not-for-profit corporations and would be able to create businesses and jobs in their communities. They will be expressions of aboriginal self-determination.

Whether to implement a holistic and courageous aboriginal strategy or to tinker with the existing federal strategy is a choice for the decision-makers.

The government is discussing the grave circumstances of families at risk becoming homeless or who are homeless, including the aboriginals. We believe the existing aboriginal service delivery system in big cities is the key to any assistance strategy for the aboriginal homeless, and any new monies for services should flow through that system. Research strongly indicates the imminent requirement to develop a strategy and an action plan to implement solutions for this critical need. Since Health Canada has declared an adequate home a determinant of basic health, homelessness is a problem that requires immediate action. We must take a hard look at the recommendations from previous studies, inquiries and testimony to offer specific advice on this matter. The recommendations and the action plan will assist the minister responsible for homelessness.

This inquiry must not be shelved. We, as Canadians and parliamentarians, have a responsibility not only to address this urgent need but to develop an action plan that will give all aboriginal families their proper place in Canadian society. Aboriginal housing societies have the expertise. They only need an opportunity and a jurisdictional transfer to do their job.

Honourable senators, may I have permission to table the attachment I mentioned?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Chalifoux: Thank you.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, November 3, 1999, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE J. BERNARD BOUDREAU, P. C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STANTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

RICHARD GREENE

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(November 2, 1999)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Industry
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. J. Bernard Boudreau	Leader of the Government in the Senate
The Hon. Lyle Vancilief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. George Baker	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Western Economic Diversification) and Francophonie
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)

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(November 2, 1999)

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Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg, Man.
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Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Philip Derek Lewis	St. John's	St. John's, Nfld.
Reginald James Balfour	Regina	Regina, Sask.
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
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Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
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Roch Bolduc	Golfe	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
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Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
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Noël A. Kinsella	New Brunswick	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	New Brunswick	Moncton, N.B.
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James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
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Normand Grimard	Quebec	Noranda, Que.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Bemtson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.

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Fernand Roberge	Saurel	Ville Saint-Laurent, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
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Landon Pearson	Ontario	Ottawa, Ont.
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Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
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Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Ville Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Léonce Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Calvin Woodrow Ruck	Dartmouth	Dartmouth, N.S.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
Ione Christensen	Yukon	Whitehorse, Yukon Territory
George Furey	Newfoundland	St. John's, Nfld.
Melvin Perry Poirier	Prince Edward Island	St. Louis, P.E.I.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
J. Bernard Boudreau, P.C.	Nova Scotia	Halifax, N.S.

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(November 2, 1999)

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Adams, Willie	Nunavut	Rankin Inlet, Nunavut
Andreychuk, A. Raynell	Regina	Regina, Sask.
Angus, W. David	Alma	Montreal, Que.
Atkins, Norman K.	Markham	Toronto, Ont.
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.
Bacon, Lise	De la Durantaye	Laval, Que.
Balfour, Reginald James	Regina	Regina, Sask.
Beaudoin, Gérald-A.	Rigaud	Hull, Que.
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.
Bolduc, Roch	Golfe	Sainte-Foy, Que.
Boudreau, J. Bernard, P.C.	Nova Scotia	Halifax, N.S.
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Di Nino, Consiglio	Ontario	Downsview, Ont.
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.
Eyton, J. Trevor	Ontario	Caledon, Ont.
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BY PROVINCE AND TERRITORY

(November 2, 1999)

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Senator

Designation

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THE HONOURABLE

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NUNAVUT—1

THE HONOURABLE

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THE HONOURABLE

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2 Thérèse Lavoie-Roux	Quebec	Montreal, Que.

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(As of November 2, 1999)

*Ex Officio Member

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Honourable Senators:

Andreychuk,	*Boudreau (or Hays)
Atkins,	Carney,
Bolduc,	Corbin,

Deputy Chair: Honourable Senator Andreychuk

De Bané,	Losier-Cool,
Di Nino,	*Lynch-Staunton, (or Kinsella)
Grafstein,	Stewart,
Lewis,	Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, Atkins, Bolduc, *Boudreau (or Hays), Carney, Corbin, De Bané, Di Nino, Grafstein, Lewis, Losier-Cool, *Lynch-Staunton (or Kinsella), Stewart, Stollery.*

SELECTION

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Honourable Senators:

Atkins,	DeWare,
Austin,	Fairbairn,
*Boudreau, (or Hays)	Fraser, Grafstein.

Deputy Chair: Honourable Senator

Kinsella,	Mercier,
Kirby,	Murray.
*Lynch-Staunton, (or Kinsella)	

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*Atkins, Austin, *Boudreau (or Hays), DeWare, Fairbairn, Fraser, Grafstein, Kinsella, Kirby, *Lynch-Staunton (or Kinsella), Mercier, Murray.*

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Honourable Senators:			
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Bacon,	Finestone,	LeBreton,	Poulin,
*Boudreau,	Forrestall,	*Lynch-Staunton,	Roberge,
(or Hays)	Johnson,	(or Kinsella)	Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, *Boudreau (or Hays), Callbeck, Finestone, Forrestall, Johnson, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Perrault, Poulin, Roberge, Spivak.*

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2nd SESSION

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36th PARLIAMENT

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NUMBER 5

OFFICIAL REPORT
(HANSARD)

Wednesday, November 3, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, November 3, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

CURRENT FARM CRISIS

LEAVE GRANTED TO ADJOURN UNDER RULE 60 TO CONSIDER
MATTER OF URGENT PUBLIC IMPORTANCE

Hon. Leonard J. Gustafson: Honourable senators, I rise today to request that an emergency debate be held on the crisis in agriculture. My understanding is that I must convince His Honour and my colleagues that there is an emergency at hand.

I wish to say at the outset that the Standing Senate Committee on Agriculture and Forestry has heard testimony for over a year and one-half from representatives of farm groups, particularly from Western Canada. They appealed to us on the basis of the problems they currently face. I believe that our committee listened well to those presenters because they had serious presentations to make.

The Premiers of Manitoba and Saskatchewan felt somewhat rejected in the response they received from their recent discussions with the Prime Minister and the Minister of Finance. There is a serious sense of alienation and desperation in Western Canada.

I will not get into the numbers today because they have been well voiced in this house and were spoken to yesterday. However, the human tragedy that is occurring in the West is very serious. I spoke to people last night who are manning the stress phone lines. They indicated to me that there have been eight suicides. The most recent case concerned a man whose wife left him because of the stress, and the husband committed suicide, leaving behind four children.

Honourable senators, we are all grown and responsible people in this Senate. This subject is so serious that it calls into question our ability to represent the regions we do and our duty to the entire nation.

• (1340)

Honourable senators, there are many areas about which I should like to speak. However, I believe the subject of human tragedy is one of the most important. We must make an appeal on that basis. Time is of the essence. This is an emergency and it is important that it be dealt with now.

The economic crisis, as it exists, does not affect only the farm. It is now affecting machinery dealerships, manufacturing and employment. Every machinery dealership is a small factory. They recondition tractors and other farm implements. When farmers have no money, those places go broke and people go without jobs. The government will have to pay employment insurance to those people. It is crucial that we not let this continue, that we deal with it quickly and effectively.

I should like to speak about the repercussions of this crisis in the rural municipalities. A dozen rural municipalities have voted to withhold their taxes. I talked to the reeve of the Municipality of Wellington, which is north of Weyburn, Saskatchewan. He said it is not the case that farmers do not want to pay their taxes; rather, they do not have the money to do so. This situation is impacting the entire province of Saskatchewan in many industries.

Honourable senators, I want to speak about the impact of this situation on the entire nation. This will not impact only Saskatchewan, Manitoba and parts of Alberta; it will impact all of Canada. As well, this is not happening only in Canada; it is happening around the world because of subsidies, et cetera. We know all the reasons.

A newspaper article states that after a nine-day delay, President Clinton signed an agricultural agreement containing \$8.7 billion in emergency farm aid. In response to that, the agriculture committee chairman said:

I'm glad the president signed this important bill, though I don't understand why he delayed for so long.

Honourable senators, this is a very serious situation deserving of debate in this house.

Some Hon. Senators: Hear, hear!

The Hon. The Speaker: I wish to remind honourable senators that the rules provide for five-minute interventions by each speaker and 15 minutes of debate in total.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise in my role as Deputy Leader of the Government in the Senate. I begin my comments with the observation that we recognize that acceding to Senator Gustafson's request is a matter left to the discretion of the Speaker. Essentially, the matter turns on whether the situation Senator Gustafson has raised constitutes a matter of urgent public importance as provided for under rule 60 of the *Rules of the Senate*. In that the matter is left to the discretion of the Speaker, I wish to be very careful in what I say.

Honourable senators, we received notice of Senator Gustafson's intention to raise this matter. We have listened to him and are quite prepared to leave this matter in the hands of the Speaker, as that is what the rules provide. I have no extraordinary comments to make. I would observe, however, that what Senator Gustafson has mentioned about the work of the Senate's Agriculture Committee is something of which we are all well aware. We are happy to leave the decision on whether this constitutes a matter of urgent public importance to the discretion of the Speaker, as required under the rules.

Senator Lynch-Staunton: Are you in favour or not?

Senator Hays: I do not wish to presume to tell the Speaker what to do because I respect the rules. I believe that the discretion of the Speaker should be exercised on the basis of what he has heard.

Senator Kinsella: Do you have no opinion?

Senator Lynch-Staunton: Is there a crisis or not?

Hon. Mira Spivak: Honourable senators, although I do not have the credibility on this issue that Senator Gustafson has, I am a farmer's daughter from the Interlake region of Manitoba. The farm crisis has been discussed for months. During this period, farmers have been pushed to the limit because of the cost-price squeeze in which they are caught. Costs are beyond the control of farmers. Prices are set in international markets and also beyond their control. Competition is impossible because of the subsidies paid by the European Union and the United States.

Although almost every farm has one or two off-farm jobs, farmers are deeply in debt and face the prospect of bankruptcy. They face losing their land, their inheritance, their source of livelihood, and the way of life to which they are deeply attached.

Honourable senators, personal tragedies are not always the stuff of national emergencies, but I shall list some reasons why the crisis is so urgent as to warrant an emergency debate.

First, last week, a delegation of farmers and the Premiers of Manitoba and Saskatchewan came to Ottawa to seek help from the federal government. They knew it was imperative that additional payments be in the hands of producers by December in order to avoid bankruptcies before spring. As we know, the government refused any injection of cash, and the banks will now be forced to foreclose.

Second, the AIDA program, intended to fill a gap in the existing farm safety net programs, is a disaster. In Manitoba, more than 55 per cent of the applicants processed to date have received no funds.

Third, the impact of the farm crisis is felt not only by farm families but by virtually everyone in rural communities. There are defaults on credit. There are fewer purchases of machinery. School children are using last year's supplies. Almost everyone is pinching, squeezing and suffering.

Fourth, the level of stress is rapidly increasing among farm families in farm dependent communities. You need only read the letters from children to the Prime Minister to know how stressed parents have become.

The issues were clarified and the crisis highlighted in meetings I have had both here and in Manitoba with desperate farm delegations. They were so grateful for the hearing they received from the Senate. They are terribly buffeted and demoralized by forces they cannot control. How can we here in the Senate watch the situation unravel further without affording their concerns a proper hearing through an emergency debate?

Hon. Ron Gitter: Honourable senators, I rise to encourage the Speaker to permit an emergency debate on this issue. I do so from a slightly different perspective than that of Senator Spivak and Senator Gustafson, who have considerably more knowledge in matters of agriculture than do I. Contrary to public opinion, simply being from the province of Alberta does not necessarily mean that one has a deep understanding of agriculture. I, as an urbanite, am much more comfortable with pavement under my feet than farmland, but I look at the importance of our agricultural community from the perspective of someone who was an elected representative in the province of Alberta for eight years and from that of a senator who has met many times with individuals of agricultural background.

Over the years, I have jokingly referred to my farmer friends as "whiners and complainers" and individuals who are never happy. It is either the weather, the price of wheat, the amount of the subsidy or, perhaps, the loonie and the value of it when they go for their break in the sun.

• (1350)

In late August, Senator Gustafson invited me to a meeting here in Ottawa with a group of Saskatchewan and Alberta farmers. A number of my colleagues were also in attendance. We talked about what they were experiencing. These were not outspoken, grandstanding, attention seekers. When I looked into their eyes, I saw fear. When I listened to their voices, there was the trembling that comes from holding back tears. When I considered what they had to say, I became concerned, not only for them, but the farm population of Canada. I examined what they had to say, together with what Senator Spivak and Senator Gustafson had been telling me. When I saw a graph showing the realized net farm income in Saskatchewan, in 1998 constant dollars, dropping from \$700 million, in 1993 to 1997; to \$400 million in 1998; to minus \$48 million in 1999, I understood what they were talking about.

This is not a situation of individuals coming to government for a bit more of something. These are individuals who are at the abyss. It involves their survival, and it is now or never. We could go on for a long time with statistics, but the fact remains that there is an emergency in rural Canada. There is an emergency in Western Canada, and the numbers are incredibly stunning when you look at them.

A whole way of life is under siege in Western Canada, Your Honour. As you come from Manitoba, you can appreciate the situation. Our rural communities, our control over agricultural resources, the cost of our food and the survival of thousands of Canadians is at stake. By way of example, I notice that Senator Hays has had to accept a new job. Farm income has dropped so much that he has accepted the position of deputy leader in the Senate. Western alienation, as has been mentioned —

The Hon. the Speaker: I regret to interrupt the Honourable Senator Ghitter, but the 15-minute period has expired. However, he may proceed if leave is granted.

Hon. Senators: Agreed.

The Hon. the Speaker: Please continue.

Senator Ghitter: Last week, Premier Romanow and Premier Doer led a delegation to Ottawa to request \$1.3 billion in federal aid for farmers. A great deal of hope was placed on those meetings by Western Canadian farmers, who believed that immediate relief would be forthcoming. However, it was not forthcoming. The delegation was sent home with nothing but a new set of numbers. I suggest that that incident has brought this emergency to the forefront, namely, the fact that western farmers were looking to resolve this matter last week. There was no resolution, and we in this chamber must now deal with it on an emergency basis in an effort to get relief to Western Canadian farmers immediately. To wait any longer may be too late.

The Hon. the Speaker: Honourable senators, I wish to thank all honourable senators who participated in the debate to determine whether or not there is an emergency. As has been pointed out, the Speaker must rule on this matter.

I wish to refer honourable senators to rule 60(1), which sets out the conditions which must be met. It states:

60(1)(a) must relate to a genuine emergency, calling for urgent consideration by the Senate;

(b) must not revive a discussion previously taken up in the same Session pursuant to this rule;

I agree with both paragraphs (a) and (b) that the case has been made. The next paragraph states:

60(1)(c) cannot raise any question which, according to the *Rules of the Senate*, can only be debated on a distinct motion under notice;

That does not apply. There is then the following paragraph, which states:

(d) cannot raise matters which form, in substance, a question of privilege.

That does not apply. I then refer honourable senators to rule 60(6), which states:

60(6)(a) how it concerns the administrative responsibilities of the government or could come within the scope of departmental action;

On that basis, I believe the case has been made. The next paragraph states:

60(6)(b) give reasons why the Senate will not likely have another opportunity to consider the matter within a reasonable period of time.

I regret that, under paragraph (b), the case has not effectively been made. On the other hand, I have not heard any advice opposing that point of view. In relating it to the bulk of the conditions that I must recognize, I have determined that leave should be granted.

Senator Hays: Honourable senators, I wish to thank His Honour for his decision, which we respect. However, this is not a matter we had anticipated. We have committees working this afternoon. I wish to raise before honourable senators the request that this debate take place, not as provided for in the rules, namely, at the end of Orders of the Day, but rather, at eight o'clock this evening. This is a day on which we normally have a short sitting to ensure our committees an opportunity to carry out their work. We respect the ruling and will be prepared to debate the matter, but our preference would be that this matter be debated at eight o'clock this evening.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this house has apprehended that a matter of grave concern to Canada is before us. This is an emergency. This is not something to be delayed. We are to set aside the ordinary course of proceedings such that we may attend to a matter that this side sees as a national emergency, a matter of great crisis and not something to be put off. Therefore, we would not agree to delaying consideration of this matter. We wish to deal with it at the end of Orders of the Day before other matters. I recognize, honourable senators, that the matter of —

Senator Hays: Honourable senators, I rise on a point of order. The Deputy Leader of the Opposition is making a speech. I have asked for leave and I have given the reason for asking for leave. I think a simple "No" is all that is required if leave is not forthcoming.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, that is not correct. Obviously you did not read His Honour's decision of yesterday.

Senator Kinsella: Honourable senators, it is not quite as simple as that. Part of the matter raised by the Deputy Leader of the Government relates to the issue of business before certain committees. I wish to respond to that issue. If there is a special need for the Standing Senate Committee on Transport and Communications to sit even though the Senate is sitting, we on this side would be in agreement to granting that authority.

The Hon. the Speaker: Honourable senators, leave is not granted to change the rules. The rules are clear that the urgent debate will take place after consideration of the Orders of the Day or, if they are not concluded in time, at eight o'clock this evening.

Honourable senators, I wish to draw your attention to rule 60(4). Under that rule, it is clear that "the Speaker shall, instead of calling 'Senators' Statements', recognize the Senator or Senators who gave notice..." In other words, the emergency debate supersedes "Senators' Statements". The paragraph states 'instead of calling'. There will be no "Senators' Statements" today.

ROUTINE PROCEEDINGS

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(a), moved:

That the Standing Senate Committee on Transport and Communications have the power to sit at 3:30 p.m. today, November 3, 1999, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

• (1400)

COMMITTEE OF SELECTION

FOURTH REPORT PRESENTED

Hon. Léonce Mercier: Honourable senators, I have the honour to present the fourth report of the Committee of Selection on the nomination of senators who will sit on the various committees during the present session.

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. senators: Agreed.

(For text of report, see today's Journals of the Senate, p. 87.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Mercier, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Anne C. Cools: Honourable senators, I have the honour to introduce Bill S-9, to amend the Criminal Code (abuse of process).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading on Wednesday next, November 10, 1999.

INTER-PARLIAMENTARY UNION

NINETY-EIGHTH CONFERENCE IN ULAANBAATAR, MONGOLIA—
REPORT OF CANADIAN GROUP TABLED

Hon. Sheila Finestone: Honourable senators, I have the privilege of tabling a report from the inter-parliamentary delegation to a meeting of the Asia-Pacific Group of the Interparliamentary Union, which was held in Ulaanbaatar, Mongolia, from July 26 to July 31, 1999.

[Translation]

OFFICIAL LANGUAGES ACT

AVAILABILITY OF FRENCH SERVICES FOR FRANCOPHONES
OUTSIDE QUEBEC—NOTICE OF INQUIRY

Hon. Jean-Maurice Simard: Honourable senators, I give notice that on Tuesday, November 16, 1999, I will call the attention of the Senate to the situation vis-à-vis the development and vitality of francophone and Acadian communities, its gradual deterioration, the growing indifference of governments in Canada over the past ten years, and the lack of access to services in French.

I will take this opportunity to table my report entitled "De la coupe aux lèvres, un coup de coeur se fait attendre."

[English]

QUESTION PERIOD

SUPREME COURT

APPOINTMENT OF THE HONOURABLE
BEVERLEY MCLACHLIN AS CHIEF JUSTICE

Hon. Marcel Prud'homme: Honourable senators, since there were no Senators' Statements today, I will pose a question. It is a very happy, cheerful question which I will ask of the Deputy Leader of the Government.

Will there be some kind of special ceremony to celebrate the special event which has just taken place? I refer to an event which is historical in our nation and in the world — the appointment of Madam Justice Beverley McLachlin to the position of Chief Justice of the Supreme Court of Canada. She will begin her duties on January 7, 2000, when we expect to be in recess. This is an event of international importance, an event of pride, to name the first female Chief Justice.

Would the honourable Deputy Leader of the Government not agree that some statement must be made on such a great occasion? The Senate is the guardian of tradition and the Senate has the sensitivity to address the occasion. I do not wish to debate the matter, but other senators may wish to say some words about this major historical event.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I received that news just now and am very pleased to hear it. The honourable senator's question could be interpreted in several ways. He is asking for an opportunity today, presumably now, for senators to say something on this important occasion, one which would normally be addressed under Senators' Statements. I agree, and I think I speak for senators on this side, that a few minutes could be taken now to comment on the announcement.

Following the precedent of my homologue, the Deputy Leader of the Opposition, I will take this opportunity while I am on my feet to indicate my great pleasure and pride in hearing that the Honourable Beverley McLachlin will be succeeding Chief Justice Lamer on the Supreme Court of Canada. Justice McLachlin has a very distinguished record as a lawyer and a judge. All of us who have had the privilege of practising law are very proud of her. As far as we are concerned, leave is granted for others to take a few moments to comment on that important event.

The Hon. the Speaker: Honourable senators, leave is requested to have comments now on the subject raised by Honourable Senator Prud'homme. Is leave granted?

Some Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): No.

Hon. J. Michael Forrestall: Do we have instructions on how that will impact on Question Period?

The Hon. the Speaker: I heard a "no." Leave is not granted.

Senator Forrestall: I did not mean to withhold consent. I was just curious how that proposal would impact on the time available for Question Period.

NATIONAL DEFENCE

RESTRUCTURING OF RESERVE UNITS IN ATLANTIC CANADA—
PLIGHT OF THE 1ST FIELD REGIMENT OF
THE ROYAL CANADIAN ARTILLERY

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. It goes back to an issue which I discussed with his predecessor regarding the restructuring of reserve units in Canada. Some units were listed as viable and others were termed non-viable. Without complicating the question too much, there is no doubt in my mind that I was seriously misled. I have chosen to believe that it happened because three or four different people were responding to the request for information.

I refer to the 1st Field Regiment of the Royal Canadian Artillery based in Halifax. That is a unit with which the minister will be very familiar and, indeed, as a Nova Scotian, somewhat proud. That unit received a 93.1 per cent effective strength rating and an efficiency rating of 88.5 per cent. There are 15 or more reserve units in Canada which are termed non-viable. However, none of them have anything like that for a record.

• (1410)

This has driven quite a wedge between the reserve structure in Canada and the present government, for reasons such as this I suspect. I feel that this unit deserves an apology. I can think of none better than the minister responsible for Nova Scotia to proffer such an apology. I am not asking for prolonged negotiations on this matter but for an apology for the mistake, however it may have been made. Will the minister now ask for a reassessment of the score given to this historic Nova Scotia unit in the re-evaluation process?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, it has been my experience that the government has been most supportive of the important role played by the reserves throughout the country. I have some particular knowledge in my own area where we will be commissioning, if you will, two very impressive facilities in Sydney, Nova Scotia for use by the reserve. I understand that these will make a real difference to the functioning of the reserve in the area.

The unit to which the honourable senator refers, the 1st Field Regiment Royal Canadian Artillery, is a distinguished unit and one of which all Nova Scotians can be proud.

The senator brings up a specific and pointed question. It is one which is worthy of a specific and pointed response. I beg his indulgence for a short period of time while I make inquiries of the minister on this very point. I hope to be able to respond to Senator Forrestall in a manner which the question deserves.

Senator Forrestall: Honourable senators, far be it from me to speak for the regiment. On the other hand, Lieutenant-Colonel Doyle in his comments a few months ago suggested that he felt the least that could be done would be an apology from the LFC, which might go a long way to smoothing out the matter. They should be re-established as a viable unit. In fact, they are, perhaps, one of the most viable units in Canada.

Senator Boudreau: Honourable senators, I thank the honourable senator for the information he has provided. I certainly take seriously the record of service of the particular regiment to which he refers. I will attempt to familiarize myself with the details of the situation and respond in an appropriate manner.

THE SENATE

EFFORTS TO INCREASE EMPLOYMENT OF VISIBLE MINORITIES

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, I had the opportunity to attend a conference in Ottawa. At that time, I remarked that the Government of Canada has failed miserably in providing opportunities for visible minorities in the public service.

According to the latest employment equity report, of the 190,000 people employed in the Public Service of Canada, only 9,200 have self-identified as members of visible minorities. This is about 5 per cent or less than one-half of the 11 per cent which visible minorities represent in Canada's overall population.

Here, in the Senate, the latest statistics that I have are that 1.2 per cent of employees are members of visible minorities. We in this house of sober second thought are lagging far behind and have failed in setting a standard of visible minority representation for all business and government bodies in Canada.

Will the Leader of the Government in the Senate tell us what strategic plans, if any, are being developed to improve visible minority representation in the Senate of Canada?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the issue is one which is of concern to the government in general, and not just specifically with respect to the Senate. In fact, efforts have been in place for some time to ensure that the participation of visible minorities across government would mirror their numbers in the workforce. That has not been achieved to date. However, there are some hopeful signs.

Recent statistics — and I do not have them at hand — indicate that in terms of promotion within the public service, visible minorities appear to be moving up through the ranks in a measure that is equal to their number within that service. That is a positive though not an entirely satisfactory situation. However, there has been some indication that improvement is taking place. Of course, we are always striving to ensure that we reach the goal of representation in government and here in the Senate that mirrors the presence of visible minorities in our general population.

HUMAN RESOURCES DEVELOPMENT

EFFORTS TO INCREASE EMPLOYMENT OF VISIBLE MINORITIES IN GOVERNMENT

Hon. Donald H. Oliver: Honourable senators, would the Leader of the Government in the Senate take these representations to cabinet and try to sensitize his colleagues to the important problem of the lack of adequate representation in senior positions within the public service? When the minister finds the statistics to which he referred, perhaps he would prepare a list and bring to this chamber the number of deputy and assistant deputy ministers in the public service of Canada who are members of visible minorities, as well as statistics for the Senate itself? Will he undertake to do that?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I will certainly bring to the Senate and give to anyone else who may have that specific interest the report to which I referred. It is not one on which I can presently place my hands. I think it might be of interest to the honourable senator because it indicates not simply the percentage of visible minorities but how those visible minorities appear to be progressing along the chain of command. Thus, we are not faced with the situation where visible minorities are remaining stagnant at a particular level of employment, but in fact appear to be proceeding. I will undertake to give that information to the honourable senator.

With regard to the Senate, this is a matter which may appropriately be of some concern to the Standing Committee on Internal Economy, Budgets and Administration.

Senator Oliver: Honourable senators, I have never served on that committee. I hope that in his role of Leader of the Government in the Senate the minister will show some leadership and bring those matters before this chamber.

The minister refers to the progress that is being made. My specific reason for asking him to produce the list of visible minority deputy ministers and ADMs is that we will then see that the numbers are so few that it will be embarrassing for him to look at it. The progress he described refers to progress at the very lowest levels of the public service, something which is a public shame.

UNITED NATIONS

NUCLEAR DISARMAMENT—POLICY OF GOVERNMENT ON NEW AGENDA COALITION RESOLUTION

Hon. Douglas Roche: Honourable senators, will the Leader of the Government in the Senate confirm that Canada will vote in the affirmative on the New Agenda Coalition resolution which is now before the United Nations calling for the commencement of negotiations leading to a program for the elimination of nuclear weapons? This is a subject I raised yesterday with the minister.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I appreciate the honourable senator raising this issue again today. I have not yet had an opportunity to speak to the Ministers of Foreign Affairs and International Trade regarding this issue.

• (1420)

Canada has a strong record of supporting the nuclear disarmament program, both in general and in specific programs to accommodate the aftermath of nuclear disarmament in terms of hazardous materials which must now be dealt with.

With respect to the specific question, I do not wish to usurp the position of the minister responsible, and I am confident I can bring that answer to the honourable senator very shortly.

Senator Roche: I thank the minister for that answer. In order to help him make his representation to the Minister of Foreign Affairs, I sent to the minister three important statements made in the past few days by the Canadian Pugwash Group, the Simons Foundation Strategy Consultation and the Canadian Network to Abolish Nuclear Weapons, three organizations representing many thousands of Canadians. These were sent to help the government understand the importance of informed opinion in Canada on this issue.

I would ask the Leader of the Government in the Senate to take a certain sense of urgency in communicating these concerns because the vote at the United Nations will be held the first part of next week.

Senator Boudreau: Honourable senators, I recognize the honourable senator's expertise in this area and his distinguished record of service on issues involving disarmament. I would be happy to receive that material and undertake to him that I will have that discussion prior to the end of this week.

FOREIGN AFFAIRS

NEW AMBASSADOR TO WORLD TRADE ORGANIZATION— POSSIBLE CONSULTING CONTRACT WITH FIRM EMPLOYING FORMER AMBASSADOR—REQUEST FOR TABLING

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. On August 3, the Prime Minister announced the appointment of his former

minister for international trade, Sergio Marchi, to the position of permanent representative and ambassador of Canada to the office of the United Nations and to the World Trade Organization in Geneva. Mr. Marchi replaced a highly respected civil servant with over 20 years of experience in international trade matters, Mr. John Weekes.

As you may recall, last year Mr. Weekes was elected to the prestigious position of chair of the WTO's General Council, which includes over 130 members. A *National Post* article dated October 12, 1999, stated that Mr. Weekes gave his first interview since being ousted as Canada's WTO ambassador, and he advised that he was now the chairman of global trade practice for APCO, which is an American consulting firm. The article also revealed that Mr. Weekes continues as a senior adviser to the Government of Canada.

Honourable senators, there are reports that the Government of Canada is paying this United States consulting firm over U.S. \$500,000 per year. Can the leader advise whether the Government of Canada has hired the American consulting firm APCO so that Canada's former WTO ambassador can help Mr. Marchi do his job in Geneva?

Senator Kinsella: That is a good question. "Yes" or "no"?

Senator Kelleher: A simple answer will do.

Hon. J. Bernard Boudreau (Leader of the Government): Thank you, honourable senator. I should like to make the answer as brief and direct as I can, but it may require more than a "yes" or a "no".

I do not know the former incumbent in the position. Obviously, he must be a very distinguished gentleman to be able to find accommodation so quickly in the private sector in such an important role. I do know the present incumbent, and he has had a very distinguished record, not only in public life, in government, but also in the area of trade.

Senator Lynch-Staunton: The MMT issue was his, was it not?

Senator Boudreau: His record would be generally regarded as a distinguished record. With a background in trade and government, he is exactly the kind of individual who would be appropriate for that type of position.

Senator Lynch-Staunton: He voted against free trade, remember?

Senator Boudreau: None of us in this institution would ever want to disqualify an individual from any office simply because he had been engaged in public life, as we are right now. I congratulate the government on his appointment.

As to whether certain contracts exist for consulting services, I am sure that the Government of Canada employs consultants on a routine basis for many purposes.

Senator Lynch-Staunton: People they fire?

Senator Boudreau: Whether this is one of them, I do not know. If they are employing this consultant, as with any other consultant, I am sure they are getting good value for their money.

Senator Kelleher: Honourable senators, I can assure the Honourable Leader of the Government in the Senate that Mr. John Weekes is an excellent person. He worked with me for several years when I was the Minister for International Trade, so I can certainly vouch for his ability.

At the end of the month, Canada and 130 other countries will meet in Seattle to launch the next round of WTO negotiations. Since these negotiations could have a profound impact on Canada, it is important for Canadians to have full confidence in how these negotiations are managed in Geneva.

To ensure transparency and to clear the air regarding the APCO contract prior to the Seattle WTO meeting, will the leader table this contract as well as all supporting documents, including those relating to the tendering and the award of this contract?

Senator Boudreau: I can assure the honourable senator that I will discuss the matter with the appropriate minister. It is obviously in his bailiwick. He has responsibility for the file, and I would not presume to remove that responsibility from him. I shall convey the honourable senator's request for more details on that particular contract.

FINANCE

DEVALUATION OF DOLLAR—INFLUENCE ON FOREIGN PURCHASES OF CANADIAN COMPANIES

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. It relates to a recent transaction that took place in my province. There was a hew and cry by many as a result of the sale of MacMillan Bloedel, a long-time Canadian firm, to Weyerhaeuser, a huge U.S. conglomerate that has taken advantage of what many of us believe is the horrific way the government has managed our fiscal and monetary system in allowing the Canadian dollar to devalue to its current rate. As a matter of fact, I rode in from Toronto this morning with a young man who says he has always been a Liberal but is totally disgusted as he watches all these corporations being scooped up by Americans and others virtually at half price.

Does the minister have any comment as these great Canadian corporations are being gobbled up? I do not want him to think that I want a return to the dreaded FIRA that was brought in by the Liberal government under Prime Minister Trudeau, but there must be a concern, I believe, when we lose major companies like MacMillan Bloedel.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am very interested in the honourable senator's comments. Obviously, the currency being where it is creates an economic dynamic that can in some cases lead to

certain conclusions or events and in other cases to different conclusions or events.

I am surprised to hear that, as a general rule, people in the resource industry would object to the low Canadian dollar. I would think that in many cases it has been a tremendous advantage for them in marketing their products around the world. I am not an expert in the lumber industry, but I do know that in many resource sectors the low Canadian dollar has given a tremendous advantage to our producers and, as a result, has yielded great benefits in terms of employment and economic activity. The low Canadian dollar has had, at least in some aspects, a positive impact on the resource industry.

• (1430)

The point, though, is that the low dollar also serves to make some Canadian companies very attractive as acquisitions, to those with American dollars, and makes them a more attractive purchase than they would be otherwise.

However, the fundamental point with respect to the currency is that we have a floating currency which finds its own level. Unless we are prepared to consider a fundamental change in the policy of the Bank of Canada, that will continue to be the case.

With respect to foreign acquisitions, there may be measures other than FIRA that could be put on the table. The honourable senator may wish to suggest some of his own.

Senator St. Germain: Honourable senators, the leader speaks of the low Canadian dollar and the resource industry. It is really a false economy because in some cases it has led to the country becoming less competitive. What it has led to is this horrific and unacceptable lumber quota, which is a nightmare. It restricts the development of any industry in a province because if you do not have a quota, you cannot start up a sawmill. There is a litany of problems in this regard. It is a total horror story. It flies in the face of free trade, which we endorsed and everyone else endorsed, but the government capitulated as opposed to standing its ground and going head to head with the ITC in the United States.

Honourable senators, in the spirit of short-term solutions, I believe that the government has kept interest rates too low, which has led to the devaluation of this floating dollar. Certainly, it is popular in the short term, but we will pay the price when we wake up one morning to find that all our good corporations have been scooped up by the U.S. I am prepared to compete with the U.S. at any given time, but in creating this artificial situation and this horribly devalued dollar, no one can compete.

As individuals, our global wealth has been reduced in this country. At Heathrow Airport it costs 15 pounds for breakfast, which I believe is approximately \$45 Canadian. This is eroding our ability to remain competitive as individuals in a global economy.

I ask the minister: Is he working towards establishing a North American currency?

Senator Taylor: Mulroney started this.

Senator St. Germain: Listen, you had the chance. You were going to get rid of the GST and all these things, but you did not go ahead, sir.

Senator Boudreau: Honourable senators, with the greatest of respect, I would disagree with the honourable senator on a few points.

Senator St. Germain: I would hope so.

Senator Boudreau: Some even have to do with the currency.

The first question we must ask is: Are we in favour of a fixed exchange rate? Personally, I am not. If you are not in favour of fixing an exchange rate and fixing the Canadian dollar higher in comparison to the U.S. dollar, then you must create conditions that will cause the dollar to rise.

I should like the honourable senator to know that I am in favour of a floating exchange rate. I feel it is a great shock absorber in terms of the two major economies, the U.S. and Canada, adjusting to one another. I would remain in favour of a floating exchange rate, and I must say that I would have trouble advocating higher interest rates.

I cannot agree with the honourable senator that increased interest rates would be good for the country. I simply cannot accept that. Many people in the resource industries to whom I have spoken have taken advantage of the lower Canadian dollar. However, at the end of the day, the Canadian dollar will find its own level in a floating exchange.

Unless we are prepared to take some very serious and dramatic measures, such as pegging the exchange rate or increasing interest rates, the Canadian dollar will continue to find its own level. I would not be prepared to support substantially increased interest rates. I do not know if senators opposite are in favour of that, but I do not believe our party is.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a delayed answer in response to a question raised in the Senate on October 13, 1999, by the Honourable Senator Lowell Murray regarding Nova Scotia responsibility for the cleanup of toxic waste sites, and a response to a question raised in the Senate on October 13, 1999, by the Honourable Senator Donald Oliver regarding Nova Scotia funds for the cleanup of flood damage in Cumberland County.

THE ENVIRONMENT

NOVA SCOTIA— RESPONSIBILITY FOR CLEANUP OF TOXIC WASTE SITES

(Response to question raised by Hon. Lowell Murray on October 13, 1999)

The upcoming privatization of the Cape Breton Development Corporation (Devco) has raised environmental concerns regarding the rehabilitation of properties inherited or acquired by the Corporation since its creation in 1967.

As indicated in the *Debates of the Senate* of October 13, 1999, the liability and work associated with any environmental clean-ups at existing and abandoned Devco mines rests with the corporation.

Indeed, in its annual report (for the period ending March 31, 1999), the Devco corporation recorded its best estimate of anticipated future costs of environmental issues related to building demolition, cleanup, earthworks, water treatment, and other reclamation works. Based on management's best estimate of the cost of complying with the requirements of appropriate environmental laws and regulations, and an assessment provided by the Senes consulting firm, the Devco annual report shows an expected cost of \$110 million for future environmental remediation.

Environment Canada is providing technical and scientific advice to Devco on the present and future environmental issues associated with the corporation's operations with the objective of ensuring that cleanup activities meet the requirements of existing environmental guidelines and legislation.

NATIONAL DEFENCE

NOVA SCOTIA—FUNDS FOR CLEANUP OF FLOOD DAMAGE IN CUMBERLAND COUNTY

(Response to question raised by Hon. Donald H. Oliver on October 13, 1999)

The Province of Nova Scotia was severely affected by the remainder of tropical storm Gert that moved up the Atlantic Coast on September 23-24, 1999. Emergency Preparedness Canada's regional director in Nova Scotia has been, and remains, in constant liaison with the Nova Scotia Emergency Measures Organization to ensure federal support is made available when requested.

The Province of Nova Scotia is still in the process of evaluating the damages to public infrastructure caused by the storm. Provincial authorities are well aware of the availability of federal financial assistance under the Disaster Financial Assistance Arrangements (DFAA) and of the eligibility guidelines.

According to Emergency Preparedness Canada officials, as of November 1, 1999, the Province of Nova Scotia had not yet requested financial assistance under the DFAA. If and when it does, federal funds will be available according to the same guidelines used to provide assistance to all provinces and territories having to cope with the economic impacts of major disasters.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I believe we are in need of clarification with respect to who, under our rules, are the honourable senators to whom we can pose questions during Question Period.

It is my understanding that questions are properly put to chairmen of the various committees and to the Leader of the Government in the Senate. I believe the first question today was put to the Deputy Leader of the Government in the Senate. Had I known that was provided for under our rules, Senator Carstairs and I would have had many more exchanges than we had in the last session. It would be helpful if we had clarification as to whether the Deputy Leader of the Government is one of the senators to whom we can put questions during Question Period.

The Hon. the Speaker: Honourable senators, my understanding is that under normal circumstances, when the Leader of the Government is in his seat, questions can only be asked of the Leader of the Government, or to chairs of committees and, in so far as chairs of committees, only in regard to the technical management of the committee, not on policy matters. In the absence of the Leader of the Government in the Senate, it has been our practice for the deputy leader to field questions to the extent that he can. However, when the leader is present, questions should be addressed to the leader.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Furey, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-sixth Parliament.—(2nd day of resuming debate)

Hon. Marie-P. Poulin: Honourable senators, the Speech from the Throne by Her Excellency the Governor General and the Prime Minister's subsequent response hold the promise for renewed optimism among all Canadians. They were uplifting

speeches that invigorated the soul and put a sheen on our aspirations for the future of our nation.

Not in a long time have we been presented with such buoyant optimism for capitalizing on the enormous potential of this bountiful country. The end of the millennium has given rise to naysayers, cultists and those who fear monger with their depressing predictions and exhortations over the end of the millennium. They are no match for the effervescence and vibrancy that we, supporters of this government, feel. We are buoyed by Canada's accomplishments during the 20th century, and we rise with confidence and excitement to the challenges of the next century and the next millennium.

• (1440)

Honourable senators, the Speech from the Throne set the tone for how we cross that threshold into a new era. We are neither going blindly into the future nor setting anchor in the past. We are cognizant of some mistakes, but they have been dwarfed by our accomplishments. Having learned from our errors, we will move on to greater heights.

We shall remember our past, but not be manacled to it. We shall grow and prosper, enriching the lives of all Canadians.

[Translation]

Honourable senators, we cannot accurately predict the future, any more than we can change events of the past. We can, however, influence change, through effort, conviction, determination and through our courage, work, innovation, creativity, motivation and especially by setting limits in order to grow in partnership with other governments, in partnership with the private sector and most importantly by setting an example.

[English]

Honourable senators, we can rise to unimaginable heights of achievement in the arts and sciences, in research and development, in social progress, in promoting personal growth and, above all, in fostering a climate of peace and goodwill. Canada, my friends, is the right place to be.

Through good planning by this government, and sacrifices by all Canadians, the burden of growing debt has been vanquished. Fiscal health is the watchword of the day, for only by putting our books in order can we hope to accomplish all that we wish for all Canadians. Our nation was built on a vision of prosperity, of fulfilment, of equality, of opportunity and of safety in all its manifestations of health, security, and peace of mind. This is not a vague, ephemeral vision, but a vision grounded in practicality and doability.

Honourable senators, the Speech from the Throne and the follow-up remarks by the Prime Minister spelled out a framework for action that is not wishful thinking. It is already being done and we will build that vision piece by piece, one brick at a time.

[Translation]

Honourable senators, my grandfather was a carpenter in Northern Ontario, in Sudbury. We learned as children and grandchildren that growth required our house to be built on a strong, secure and deep foundation. This is what our government has given us in the past six years and will continue to provide, because we have clearly understood the Speech from the Throne.

[English]

Honourable senators, the foundation is the country's restored fiscal health, the elimination of a crippling deficit, and a frontal assault on the accumulated debt. Our economy is growing steadily. Unemployment is down, inflation rates are low, exports are up, taxes are starting to go down, and wages are rising.

More so than any other single plan of action, the Speech from the Throne laid the most important brick in the building of a national vision: an abiding commitment to children and youth. It is a mighty big brick, the cornerstone of this government's pledge for a robust Canada where opportunity and compassion coexist, where self-worth and human dignity are not sacrificed on the altar of wealth and ambition. Quite rightly, the strategy to make the vision a reality starts with our children.

Let me enunciate what has already been initiated by this government: the Canada Prenatal Nutrition Program; the Aboriginal Headstart Program; the Canada Education Savings Grant; improved childcare expense deductions; the National Child Benefit for low- and modest-income families; and non-taxable child support payments. In addition, there will be extended maternity and parental leave benefits, federal-provincial agreements on more support for early childhood development, more after-tax money in the hands of families, more family-friendly workplaces, modernization of family laws, significant investment in the National Child Benefit, and enhanced learning opportunities through an expanded SchoolNet.

The points I have just made demonstrate that these child-centred initiatives are not just whimsy. They are sound, practical ways in which Canada can prepare for the next millennium, both at home and abroad, by providing our greatest asset — our children — with the resources, knowledge, skills and experiences that allow them to succeed.

I am happy to note, honourable senators, that the enthusiasm and technological attributes of young Canadians will be utilized in meaningful ways, ways that will exercise their abilities and give them exposure nationally and internationally. Allow me to list only four: first, Exchanges Canada, to give 1,000,000 young Canadians every year the chance to learn about another part of the country; second, engaging tens of thousands of young Canadian volunteers in community and national environmental projects and to help others improve their literacy skills; third, enabling young Canadians to apply their energy and talents overseas through international internship programs and in

helping developing countries to connect to the Internet; fourth, hiring young Canadians to help rural and urban communities set up Internet access sites for public use.

To encourage education, the government has announced, and has already put in place, the Millennium Scholarship Foundation, from which the first \$100,000 will be awarded in January; the Canada Education Savings Grants; the deductibility of interest on student loans; and the use of RRSPs for training.

It is clear that this government is putting considerable emphasis on young Canadians. In addition to its child-youth programs, the government is building a modern infrastructure of universities and laboratories through the establishment of the Canada Foundation for Innovation.

Clearly, the vision is off to a good start. However, the scope is much more expansive. It means sound commitments to our social programs, especially for health and old age. It means commitments to the environment, trade promotion, investment, research and development, entrepreneurship and partnerships.

As you can tell, many building blocks are being assembled, the pieces together being more than the sum of their parts. That is good leadership. It is dynamic leadership and it is visionary leadership. It is leadership that instills optimism and enthusiasm, that activates and propels us forward, that stimulates and encourages us to adapt to new ideas and technologies.

• (1450)

Honourable senators, I have mentioned the cornerstone of the vision, our children and youth. I have mentioned our fiscal responsibilities, our obligations to protect the environment, and the need to preserve our social programs. All of this is jeopardized if we do not generate the right climate in which the corporate sector, both big and small companies, can succeed. Without investment, without our entrepreneurs, without the skills of a knowledge-based economy, we risk losing our envied position in the world. There is so much to lose: a prosperous, diversified, cultural, caring and compassionate community of communities reaching from sea to sea to sea. That is why I was pleased that the Speech from the Throne, later expanded upon by the Prime Minister, also focused on trade and investment. I was gladdened by the recognition that, in order to keep and attract our best and brightest, we must be innovative in our thinking.

Collaboration between governments, our universities, research institutions and the private sector is vital if we are to remain at the forefront of global competition. It is only appropriate, therefore, that the government intends to increase support to research through our various granting councils, such as the Medical Research Council, the Social Sciences and Humanities Research Council, and the Natural Sciences and Engineering Research Council. The proposal to establish up to 2,000 new chairs for research excellence across Canada is a forward-thinking initiative; likewise is the plan to create the Canadian Institute of Health Research.

There was a portion in the Prime Minister's response to the Speech from the Throne that sums up the government's efforts in promoting research. It is worth repeating:

With the Canadian Millennium Scholarship Fund providing access to higher education...the Canada Foundation for Innovation providing our universities and teaching hospitals with the most advanced infrastructure...the 21st Century Chairs for Research Excellence attracting the research stars of today and tomorrow...and the Canadian Institutes of Health Research providing massive research support in the health area...this government is putting in place a sweeping and comprehensive strategy for putting Canada in the forefront of the knowledge-based economy of the 21st Century.

Honourable senators, in presenting a strategy that integrates the economy, social policy and the environment, this government also recognizes that however well meaning its policies and programs might be, they cannot succeed in isolation of the private sector. It is the private sector that provides the fuel that drives the economy. The government can provide the policy machinery, but it is our business decision-makers who oil the cogs and produce the goods and services for sale at home and abroad.

We have all heard about the so-called brain drain. In presenting its vision of the future, the government has provided the winning conditions to keep and attract the best researchers, the best innovators, the best producers and the best marketers in the world. After all, they come from all points on the globe, and who better to help us compete internationally?

Having chaired a subcommittee that presented its findings in this chamber in June, I am confident in Canada's ability to compete effectively in the advancing fields of computer technology. I am a firm believer that Canada will remain a leader in electronic commerce, and I have every faith in our ability, both public and private, both government and business, to capture 5 per cent of the world's share of e-commerce by the year 2003. That goal, issued as a challenge by the Prime Minister to the private sector, represents a stake of \$200 billion worth of business.

Honourable senators, there is much in the Speech from the Throne and the Prime Minister's remarks that I have not dealt with yet and that, together with the broader picture that I have focused upon, holds the promise of a bright tomorrow for Canadians. This government is taking steps to represent the future to the present, to sometimes act directly, sometimes in partnership, sometimes by creating a framework for the private sector and sometimes simply to lead by example. There is before us a vision of Canada. It is a vision of a modern society, a society built on shared experiences and on values, a society built on a determination to triumph against the odds, to be the best that we can be, a society to be envied. Honourable senators, this is Canada, this is our Canada, this will be Canada.

Hon. Erminie J. Cohen: Honourable senators, the Speech from the Throne outlined the government's agenda for the new millennium and gave us a blueprint and a list of priorities which reveal that children will be the focus of the coming budgets. In part, we will see a series of sensible programs for children, an increase in spending and benefits for poor families and their children, paid maternity leave, housing for the homeless and a national children's agenda. Those are good, sound reasons for government spending in an age of surplus. In fact, they are laudable goals. However, where is the target date? What are the programs envisioned to end child poverty, and when will we have a national strategy in place?

Though the Speech from the Throne appealed to those Canadians who see the necessity for social spending, they are disappointed that the government failed to detail a concrete plan to help those most in need. As Canadians, what are we doing to alleviate the pain for the disenfranchised people in our country? It takes perseverance, determination, commitment, caring and action to fight poverty in Canada.

Unfortunately, on October 12, we heard a list of priorities. We heard an agenda from the government designed to appeal to its constituents on both the left and the right, but does this agenda represent the message heard in the Speech from the Throne when the Governor General said:

Let the Canadians of tomorrow look upon this Parliament and say: Here were men and women committed to building a stronger Canada and a better quality of life for their children and grandchildren.

As the co-chair of the PC National Task Force on Poverty, I had the opportunity to speak with many individuals and poverty advocates from across the country. Their testimony reflected the tremendous costs of poverty to both the individuals and to society. Many witnesses pointed out that programs to reduce poverty will not only improve the circumstances of low-income Canadians today but also strengthen Canada's economic and social outlook for the future. There is a linkage, honourable senators. Good economic policy and good social policy go hand in hand. You cannot have one without the other.

Honourable senators do not need to be reminded that poverty in Canada has reached epidemic proportions. We hear over and over again of the million Canadian children living below the poverty line. With winter fast approaching, more and more families face the daunting task of trying to find shelter. The Speech from the Throne contained only half a line on homelessness. In contrast, on October 26, *The Ottawa Citizen* ran an inspiring story about Catherine Luxton, a 10-year-old girl who recognized the growing problem of homelessness. She decided with the help of her father to do something to help those in need. The Luxtons have set a goal. They will raise money to purchase 50,000 hot meals to distribute to homeless people around the Ottawa area. How heartwarming when a young girl recognizes a pressing need in our society and then sets out to do something immediately to rectify the situation. Why is it taking the government so long?

• (1500)

Thousands of Canadians live in parks, under bridges, on the streets. They are the forgotten citizens of our society. Homelessness is a real and severe issue facing too many Canadians today; it is one that I had hoped the government would address at length in the Speech From the Throne.

Mother Teresa cautioned us when she said:

You and I will be judged on what we do for the poor.

Now that we are in a surplus position, I hope this government will take the opportunity to seriously address the pressing and urgent issue of Canadian poverty before their own so-called judgment day.

The vision articulated in the Speech from the Throne laid out the direction the government intends to take in the new year. I commend the government for having the foresight to recognize that an investment in our children's early years is an investment in our nation's future. However, in order to break the poverty cycle, every child in Canada must be given an equal opportunity to reach his or her fullest potential. Sadly, they do not have those opportunities today.

If we could successfully address the social conditions that perpetuate family poverty, honourable senators, we could raise a new generation of children — children who can enjoy life's basic necessities, who are healthy, self-sufficient, educated members of Canadian society.

The Prime Minister has said:

We must move as quickly as possible from talk to action.

Those are hollow words in light of the fact that, in 1989, an all-party resolution was passed in the other place to eliminate child poverty by the year 2000. Honourable senators, it has been 10 years since that resolution; yet this government has done shamefully little to fill the empty bellies of the one in five Canadian children who are going hungry. As the poverty crisis in Canada grows, this empty promise by the government does not instill much hope for the future. The government has promised new investments in the national child benefit, but why, when there is a surplus of funds today, are they waiting until tomorrow to take action?

The National PC Caucus Task Force on Poverty, when meeting with poor people from across Canada, repeatedly heard a strong message that the time has come for the federal government to re-index the National Child Benefit to inflation. The Progressive Conservative member from Shefford, Quebec, introduced such a motion in the other place last session. The motion was passed. We are now looking for action.

The Liberal government has unveiled plans to contribute \$1 billion to extend maternity leave from six months to one year. I applaud this initiative and the foresight of the government who acknowledged the importance of mothers and

fathers spending time with their children in the first formative year. However, under closer review, we must ask who exactly will benefit from this funding? With changes in the labour force, many people work on contracts and are self-employed. Those people are not part of the Employment Insurance system. What is more, this measure does nothing to help people who have been excluded from the paid labour force. It does not address the needs of low-income women who will not be able to take advantage of maternity leave if their spouse is not earning a living wage. What about the single parent who has to make it on her or his own?

I feel confident in saying that unemployed Canadians are not concerned with maternity leave, but are only concerned with how they can put the next meal on the table. The United Nations has rated Canada as the best country in the world in which to live. Yet 5.2 million Canadians live below the poverty line. What the people of Canada needed to hear on October 12 was a plan with real solutions to real problems; the development of a concrete plan of action to eliminate poverty, homelessness and the need for food banks. Unfortunately, what they received were vague promises within a vague time frame.

As we enter the 21st century, I implore the government to take a courageous and bold stance and make a concerted effort and a commitment to raise the standard of living and to turn the vision of the Speech from the Throne into reality for those in need. I implore them to close the gap between the haves and the have-nots; to raise the Canadian child tax benefit; to raise the income-tax paying threshold; to re-index the personal income tax system so that gains will not be eroded by inflation; and to improve the EI program so that it reduces the financial insecurity of Canadians struggling in the new labour market in order to ensure that benefits are available to all who are in need. It is the duty of government to provide a decent standard of living for all its citizens.

The Indian poet Tagore wrote:

I slept and dreamt that life was joy,
I awoke and found that life was duty,
I acted and found that duty was joy,
I wish the government joy!

[Translation]

Hon. Gerald J. Comeau: Honourable senators, in connection with the very recent decision by the Supreme Court of Canada, on September 17, 1999, five justices of the Supreme Court of Canada, ruling on an appeal of a decision of the Appeal Court of Nova Scotia, found that, under treaty rights dating back to a treaty signed on March 10, 1760, Donald Marshall was not required to comply with fishing regulations.

I should like to draw your attention to some considerations and to a historical context that were not taken into account by the Supreme Court and show that the 1760 treaty is not valid. Consequently, the Court ought to reconsider its decision. I will quote a memorable extract from this judgment, if I may:

Nothing less would uphold the honour and integrity of the Crown in its dealings with the First Nations.

Such sentiments conjure up visions of knights in shining armour, brave officers, generous functionaries. The justices ought perhaps to go so far as to call for a monument to honour the memory of Governor Lawrence, the signatory of the 1760 document, to be erected on the lawns of the Supreme Court, as a lasting reminder of the weight of their decision.

However, a scant five years before signing this document that has now been immortalized, then lieutenant-governor Lawrence signed another, on August 11, 1755, in which he gave instructions to Colonel John Winslow. This document sealed the fate of some 15,000 British subjects in Nova Scotia. This is what awaited the Acadians.

In order to assemble the people and to embark them onto the ships, you must have recourse to the most sure of means, and ruses or force must be employed when circumstances dictate. I desire particularly that you pay no heed whatsoever to any entreaties or petitions from the inhabitants, regardless of who it is who wishes to remain behind.

Lawrence, he who was cited and immortalized by the Supreme Court as the man who inspired the Marshall acquittal, has become the agent of change behind a legal decision that will mark the end of our 20th century. An ignoble being, puffed up by his military authority, a man who, illegally, of his own initiative, and without the permission of his superiors, gave the order to arrest, detain and deport 15,000 men, women and children, half of whom perished in the process. This is the same man who signed the treaty of 1760.

Let us consider the extent of the error. The deportation order was signed in peace time. The Acadians were British subjects and accordingly enjoyed certain rights. The order openly infringed article 29 of the Magna Carta. It infringed the petition of rights of 1628. Absolutely nothing would indicate that the Acadian people questioned the British system. If some Acadians had committed political misdeeds, no British or other law provided for the punishment of their wives and children. Nothing other than an order by Parliament could lead to the deportation of a British subject from his country, even if the person were a criminal.

The Treaty of Utrecht of 1713 and the decree by Queen Anne in June 1713 extended the protection provided by the treaty. They provided that the Acadians had rights over their lands and that they could not be expelled without a court decision.

A member of the executive, a mere lieutenant-governor, should have repudiated a royal prerogative, and this went against fundamental British law of the time.

• (1510)

In 1729, Governor Richard Phillips had assured the Acadians in writing of his protection against such action.

Under British law, only the Governor had the power to change policies in Nova Scotia. Governor Hopson had returned to England in 1753 for reasons of health, and Colonel Lawrence was replacing him temporarily. Colonel Lawrence acted without orders and ignored all the laws protecting the Acadians.

Not even the King could sign a deportation order, because under the 1297 provisions of the Magna Carta the King was not above the law, and this was even less so in the case of a mere acting Lieutenant-Governor.

This figure had Acadians' property confiscated, their homes and fields burned and their animals slaughtered. He separated families, which he put on unsafe vessels to be sold as slaves or to be condemned to servitude in the American colonies. This criminal deportation and these concentration camps were already being implemented when the treaty of 1760 was signed and extended to 1763.

The learned judges inform us that they presume that Lawrence acted honourably in drawing up the 1760 treaty. These were the actions of a powerful bureaucrat whose duty it was to protect the Acadians. His actions show that he respected neither the treaties nor the British Crown.

Decisions such as these have always been unacceptable, whether in times of peace or war. Lawrence's actions were barbaric and unacceptable, even from the perspective of 18th century standards. His actions were unacceptable in the past and are just as unacceptable today.

A criminal should not be allowed to create fundamental laws in a civilized society. His reprehensible actions preclude his having any legal or moral right to sign any document on which we might rely today for direction in our modern civilization.

By basing our laws on anything having to do with Lawrence, we are showing contempt for the memory of our courageous Canadians, our martyrs who fought and died in order to put a stop to the deadly behaviour of people like Lawrence. They gave their lives so that tyrants like this would not hold sway over us and enforce the law at gunpoint.

And here, at the dawn of the new millennium, we are going to officially immortalize Lawrence's legacy in the reports of the Supreme Court of Canada. This is blasphemy against the memory of our Acadian ancestors and our martyrs, the first Europeans to settle in Canada. We are passing a terrible legacy on to coming generations.

Some will say that I have a grievance against the British Crown. They are mistaken; I have a grievance against an abusive psychotic, a disgusting bureaucrat. I believe most Acadians think as I do: that this certifiable mental case was acting on his own initiative.

We all know that Lawrence was not the first bureaucrat in history to abuse his power and to resort to acts of conspiracy, violence and terrorism. Unfortunately, he will not be the last either.

I invite the judges to consider the implications of their reasoning. To consider the 1760 document valid is to assume that he carried out his general and usual duties with the approval of the Crown and the British people.

It follows then that he had grounds for deporting the Acadians and that he followed the wishes of the Crown to the letter. In recognizing Lawrence's legal power to sign legal documents on behalf of the Crown, the Supreme Court recognizes the validity of the deportation order.

Can we really admit that the Supreme Court of today and the Crown and the British people of the 18th century would accept such barbarous treatment of British subjects in peacetime? I think not.

Over the centuries, the Crown has swept this illegality under the carpet. This is perhaps why the deportation order was never withdrawn and anyone can read it. This is perhaps why the Acadians were expressly excluded from the Treaty of Paris of 1763 and this illegal banishment has remained on the books. To cancel the order might mean that the action was in fact taken. The denial of atrocities has a long history.

British bureaucrats may well have committed abuses during the long history of colonialization, but never intentionally on such a scale. I do not think that the Crown ever approved of the cruelty inflicted on the Acadians. In fact, I would like to read a letter I sent to the Consul General of Great Britain in Houston on October 18, 1994, which shows that I am not raising this subject for the first time today. I will read it as I wrote it:

[English]

I have been monitoring the progress of Warren Perrin's petition to British authorities regarding the 1755 expulsion of the Acadians from Nova Scotia.

Mr. Perrin seeks modest redress relative to the enormity of the tragedy targeted at the Acadians. The Acadians were British subjects and entitled to state protection. The 1713 Treaty of Utrecht had ceded Acadia to Britain. The Acadian community had been firmly established in Nova Scotia for over a century when the infamous deed was committed. Unfortunately, the British government has never acknowledged the illegality of the expulsion carried out under its name by its colonial representatives whose primary responsibility was to protect British subjects and possessions. The passing of time in no way diminishes the gravity of the act.

The fact that the event happened is a terrible black mark on Great Britain's proud democratic history. I am sure that most Britains would endorse the universal principle that there is no statute of limitations on crimes against humanity,

especially when government employees commit crimes against the country's subjects....

As a parliamentarian, I appreciate that it is important to acknowledge the mistakes of the past so that such incidents are never repeated. The expulsion of the Acadians was a barbaric act of immense proportion. It was immoral and criminal ethnic cleansing....

The British government has the opportunity to make a universally positive statement for all people of all nations. Ethnic cleansing, genocide, and the mistreatment of citizens are wrong. It may take centuries but justice will always prevail.

[Translation]

Some may say that I have no sympathy with the problems of aboriginal Canadians. On the contrary, the Acadians and the aboriginal peoples have been friends from the beginnings of colonial times. They have lived and worked together in harmony, and there has been much intermarriage. During the deportation, history records that the native people helped the Acadian refugees at great risk to themselves. I have no ill feelings toward those who were the sole allies of my ancestors.

A large number of native people also fell victim to Lawrence's intimidation. In 1756, he ordered that hostilities be directed toward the Indians, and offered bounties for the scalps of men, women and children. The native people were familiar with Lawrence's methods of ethnic cleansing aimed at the Acadians. They had seen first hand what happened to people who dared stand up to Lawrence. They had no choice; they had to sign his documents. It was an offer they could not refuse.

Surely, the Supreme Court justices could not imagine any bureaucrat being that uncivilized. In a civilized world, a bureaucratic respectful of the law could have produced a document containing what the justices wanted to read into it, but not Lawrence.

Perhaps Madame Justice Louise Arbour will manage to show her colleagues what ignoble acts corrupt bureaucrats can inflict on the innocent.

This could have been an opportunity to redress past wrongs. The justices' intentions were praiseworthy but misplaced. They must not think that Parliament is incapable of respecting citizens. Democracy is a prize won at great cost and deserves the chance to be applied.

The justices ought to give thought to bringing down helpful decisions, not ones that stir up resentment, insults and upheaval. They did not reflect on the consequences their interpretation will have on our coastal villages and on the exploitation of our limited ocean and land resources.

The Supreme Court decision has already divided two populations that have always lived together in harmony and mutual respect. Without proper guidance, anger, jealousy, cupidity and racism are terribly powerful forces if they are unleashed. Many questions have been raised, but few answers have been given. The lawyers must be rubbing their hands in glee. Lawrence would be proud.

• (1520)

The purpose of my speech today is not to dwell on the misfortunes of the past. This would create a victim's mentality that would generate feelings of inferiority, acrimony and indifference. It would also not reflect the mentality of Acadians, quite the contrary.

Some may say that the time has come for Acadians to forgive. Indeed, this is the right thing to do. But to forget? Never. Those who forget history are condemned to relive it.

The international community is just beginning to discuss the possibility of establishing a permanent international criminal court to put on trial those who are guilty of crimes against humanity.

Let me read an excerpt of a speech delivered by the Honourable Lloyd Axworthy at the United Nations, on September 24, 1999, which clearly shows that we are reliving history:

In 1999, civilians have become tools of warfare, herded about to destabilize governments, pressed into military service, held hostage, exploited sexually, and used as human shields. We absolutely need to create mechanisms that hold violators of international law accountable for their actions. We must break the culture of impunity. The prospect of prosecution and punishment must be a real part of the calculus of those who resort to violence.

The Hon. the Speaker: Honourable senators, Senator Comeau's time is up. Is leave granted to allow him to carry on?

Some Hon. Senators: Agreed.

Senator Comeau: Cultural genocide cannot be forgotten and the aggressor is never worthy of praise. Time has not erased Lawrence's evil acts. He belongs to a group of monsters that must never be revered. His name must never be rehabilitated. Otherwise, who would be next? Slobodan Milosevic, Saddam Hussein? Will they not claim that Lawrence's rehabilitation opens the door to their own rehabilitation?

I am therefore asking the Supreme Court to stay the Marshall decision until after a duly conducted inquiry into the validity of Lawrence's signature on documents of any sort. Does the law not

demand that the honour and integrity of the Crown be maintained? In fact, the judges could refer to a petition for an inquiry submitted by the Acadians in 1760. Note carefully the date of the petition. This inquiry invalidated any prescription statute that might exist. Do Acadians not deserve to be defended and not found guilty of the crime that led to their deportation by Lawrence? If Lawrence always acted within the law and with the blessing of the Crown, history shall record that fact. Otherwise, Lawrence should be condemned by history, as he deserves to be.

Some will dismiss my request for an inquiry as the irrelevant symbolism of a bygone era. To them I say that there is nothing more symbolic than our attachment to the Crown, the Governor General, and the red robes of our Supreme Court judges.

I will close with the words of Zachary Richard, an Acadian singer from Louisiana, who echoes how many Acadians feel about what Lawrence did. The words of Mr. Richard's song go like this:

We must rise up today.
They took my poor dad,
Took his freedom away.
My mother she cried,
Watched him carted away.
From the home I once knew
Flames shot up to the sky.
And an orphan was I
Acadie was no more.

On motion of Senator Hays, for Senator Finestone, debate adjourned.

[English]

ADDRESS IN REPLY—MOTION FOR TERMINATION
OF DEBATE ON EIGHTH SITTING DAY—DEBATE ADJOURNED

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of November 2, 1999, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for an Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in trying to understand this particular motion, I could not help but think that the reason the government side would want to limit the number of days — namely eight — to debate the Speech from the Throne is that they are having an awfully hard time finding much in that speech on which to have honourable senators from the other side rise and participate.

If that is not the reason, then perhaps the reason for wanting to limit this debate results from some other consideration. Let us consider the reality of our work here. I recognize that a few senators have already spoken in this debate and that speeches are limited by our rules to 15 minutes each. Generally, we would spend one or two hours a day — certainly a maximum of two hours a day — debating the Speech from the Throne. More typically, it would be one hour. Hence, four senators per day would speak. If it were two hours a day, we would have a maximum of eight senators speaking. If it were two hours a day, which I have not seen occur since the session started, that would be a total of 16 hours. In that scenario, only 32 senators would have an opportunity to speak on what I assume to be, from the government's perspective, its whole vision for this session. Less than one-third of the honourable senators in this house would have an opportunity to participate in the debate on the great vision this government has for the affairs of Canada.

Honourable senators, we must lift up the covers and look behind this motion for limiting debate. We should always question seriously the limiting of debate on any matter before Parliament. How often do we see the government side bringing in time allocation, a technique to limit debate?

Hon. John B. Stewart: There is a limit of 15 minutes on speeches. Think of that.

Senator Kinsella: That limit speaks directly to the need to examine the effect of an eight-day limit for debate on the Speech from the Throne.

Senator Stewart will no doubt recall the words of the great writer Joseph Joubert, who stated:

It is better to debate a question without settling it, than to settle it without debate.

Honourable senators, the motion before us is dangerous because it is yet another attempt by this government — and perhaps even previous governments fell into this terrible habit — to keep real issues from being debated in Parliament. Only yesterday, honourable senators attending a meeting of the Standing Senate Committee on Transport and Communications heard witnesses discuss documents in circulation that spoke directly to limiting debate in Parliament on the matter of the proposed airline merger, a subject the committee is currently examining.

• (1530)

These were documents about which senior people in our business community asked during the summer, when Parliament was in recess and when there would not be much opportunity for debate.

As a parliamentary democracy, in a bicameral system, which has stood the test of 131 years, notwithstanding the views expressed by some leaders in the other place, I believe that our

bicameral system has been an enormous success. The practice of freedom and liberty in our country has enjoyed a high degree of success. I challenge those who would question that to find a part of the world, or country in the world, or system of governance, in which freedom, democracy and human rights has had a grander success.

Honourable senators, I believe in our parliamentary system and I believe that as parliamentarians, those who are summonsed by Her Majesty to sit in this chamber, and those who are elected by the people of Canada across the 301 constituencies of this country through direct election, in very special and different ways, have a responsibility to debate in Parliament as the word itself indicates. The practice of freedom in Canada demands no less.

Honourable senators, I feel we need to resist any temptation to limit debate under whatever guise such an attempt to limit debate is brought forward. Therefore, I move, seconded by the Honourable Senator DeWare, that the motion be not now adopted but that it be amended by striking out the word "eighth" and substituting the word "fourteenth".

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment of the Honourable Senator Kinsella?

On motion of Senator Hays, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Donald H. Oliver moved the second reading of Bill S-6, to amend the Criminal Code respecting criminal harassment and other related matters.

He said: Honourable senators, I have spoken on this matter at great length on two occasions in this chamber, and the matter in its previous life, under the title, Bill S-17, was referred to the Standing Senate Committee on Legal and Constitutional Affairs, and it is my hope that this chamber will see fit to order that it go back there again for further evidence.

The Hon. the Speaker: If no other honourable senator wishes to speak, are you prepared to adopt the motion at second reading?

Hon. Dan Hays (Deputy Leader of the Government): Before we proceed, honourable senators, could I ask Senator Oliver for a further comment in terms of a precedent and justification for following this practice? I believe it is common practice in this chamber to do as he has proposed; however, I have had some honourable senators question the practice. I should like to ask the honourable senator if he would elaborate a bit on what he has determined by looking at the rules and comment on what he might have learned with regard to past precedents.

Senator Oliver: Should the Senate agree to second reading, the matter will be referred to the Standing Senate Committee on Legal and Constitutional Affairs. I have a motion prepared by the Table which is based upon the precedent of this chamber. To directly answer the Deputy Leader's question, perhaps I could read that motion so he can see what the precedent has been. I will so do.

By Honourable Senator Oliver, seconded by the Honourable Senator Di Nino

With leave of the Senate and notwithstanding rule 58(1)(f),

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-17, to amend the Criminal Code respecting criminal harassment and other related matters, in the first session of the Thirty-sixth Parliament, be referred to the committee for its present study of Bill S-6.

The Hon. the Speaker: If no other honourable senator wishes to speak, shall I proceed with the question on second reading?

Hon. Anne C. Cools: Honourable senators, perhaps I could ask a question? I was out of the chamber for a moment and I am just trying to catch up.

Exactly what is the honourable senator proposing? He says he will give notice and move a motion to that effect, or is the motion before us?

Senator Oliver: I have not moved the motion because we do not have second reading yet. Senator Hays asked me for precedents of this chamber for moving that evidence taken in a previous session be adopted, and the Table has prepared a motion that I cannot move now. Rather than taking it over and showing it to the honourable senator, I read the motion but I have not so moved the motion yet.

Senator Cools: From what the honourable senator is saying, it is his intention to move that motion, so in point of fact he is giving us a kind of notice that you will be moving such a motion?

Senator Oliver: It is not notice at all. Out of deference to Senator Hays, who asked what I had in mind, I read to him precisely what I had in mind.

Senator Cools: Then perhaps I can put my other question? When does the honourable senator plan to formally place that notice before us?

Senator Oliver: After second reading is granted to the bill.

Senator Cools: I believe we are somewhat confused. What the honourable senator is saying is that after second reading he intends to move a motion to that effect?

Senator Oliver: That is correct.

Senator Cools: That would be quite interesting. I thank the honourable senator.

The Hon. the Speaker: If no other honourable senator wishes to speak, shall I proceed with the second reading motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE—
MOTION IN AMENDMENT ADOPTED

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

Hon. Donald H. Oliver: I move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Honourable senators, we have a slight problem in view of the fact that the committee has not yet been organized, therefore, may I add the words "when the committee is formed?"

Hon. Anne C. Cools: A better suggestion might be to wait until the committee is constituted and then to make the necessary references. Otherwise, we will have a host of motions that keep saying when some committee or the other will be constituted. It seems to me that the question of the constitution of committees is only a day or two away anyway, is it not?

Senator Oliver: I should like to amend my motion by saying "when and if the said committee is so formed."

The Hon. the Speaker: Is it agreed that the motion be amended?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs, when and if that committee is formed.

Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

Motion as amended agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION REQUESTING AUTHORITY TO APPLY MATERIALS
AND EVIDENCE GATHERED ON EXAMINATION OF PREVIOUS BILL
TO STUDY OF CURRENT BILL—DEBATE ADJOURNED

Hon. Donald H. Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-17, to amend the Criminal Code respecting criminal harassment and other related matters, in the First Session of the Thirty-sixth Parliament be referred to the committee, when and if it is formed, for its present study of Bill S-6.

• (15:40)

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Hon. Anne C. Cools: Honourable senators, am I correct in my understanding that this is a debatable motion?

Senator Oliver: Yes.

Senator Cools: Perhaps Senator Oliver could lead off the debate so that we can be clear as to why he is proposing this motion.

Senator Oliver: Honourable senators, the main reason for proposing this motion is to try to save the time and money of the people of Canada. Many witnesses gave evidence on a bill that is worded identically to the bill that is now before us. That evidence has been transcribed. Honourable members of the Standing Senate Committee on Legal and Constitutional Affairs examined all of the witnesses who appeared before the committee. Rather than calling all those witnesses back, some at public expense, and having that evidence taken again, taking the time of staff and honourable senators, it is my hope that we can incorporate by reference the evidence that has been transcribed, summarized, and widely circulated in order that that work would not have to be redone. That is the principal reason for the request, honourable senators.

Senator Cools: Honourable senators, it is my understanding that this motion is a form of instruction to a committee to act in a particular way. The proposition produces a certain amount of difficulty in that the Senate has no knowledge of the matter the honourable senator is proposing because, as I understand it, the committee never reported that bill to the Senate. Therefore, this house has never had that subject-matter before it. Thus, the honourable senator is asking the house to give instruction on something of which it has not taken cognizance. I am having difficulty with that and I am not sure how to proceed.

If the honourable senator could give more of his reasoning, I would be happy to consider it. In the absence of that, I am prepared to adjourn the debate in order that we can have some time to instruct ourselves further.

Senator Oliver: Honourable senators, the motion is not an instruction to anyone. It is a request to the Standing Senate Committee on Legal and Constitutional Affairs.

It is my information that this precedent has been used on many other occasions in this chamber as a way of getting evidence that is —

Senator Cools: It is difficult for us to be debating a motion that we do not have before us. You have read it to us, but it would be helpful to have a copy of it before us. I am unclear as to precisely what we are speaking to.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, in that there does not seem to be agreement on this matter, perhaps debate could be adjourned and the matter proceeded with tomorrow.

Senator Oliver: I am aware that the committee has not yet been formed. My motion relates to if and when the committee is formed. I do not expect the matter to be rushed to the committee tomorrow, because there is no committee as yet. However, it is my hope that this matter will not be delayed indefinitely. It is my hope to get this matter before the committee before its agenda is filled with government legislation, which will certainly take priority, in order that, at the discretion of the committee, a few more witnesses may be heard.

Senator Hays: Honourable senators, I did not interpret the remarks of Senator Cools to mean that she or anyone on this side wishes to unduly delay the motion. It seems to me that the motion is in order, but Senator Cools has some questions and I believe that she is entitled to have them dealt with through debate on the motion.

I understand that Senator Cools would like to have a written copy of the motion. As Deputy Leader of the Government I can undertake to the Honourable Senator Oliver that there is no desire on this side to unduly delay the motion.

Senator Cools: Honourable senators, I would be happy to move the adjournment of the debate. I do not believe that an adjournment will cause any delay, because the committees have not been constituted. I am concerned because there is an unusual aspect to this motion and I think the chamber should give it a proper hearing.

If the Honourable Senator Oliver wishes to speak again, that is fine with me, but I am happy to move the adjournment of the debate, seconded by Senator Milne.

The Hon. the Speaker: Honourable senators, I am treating these comments as questions to Senator Oliver, in order that we will be within the rules.

Senator Oliver: Honourable senators, I am in full agreement with the suggestion of Honourable Senator Hays that we adjourn the debate. However, I should like to refer him to one precedent, of which there are several that are well known by people who have been in this chamber longer than I. In the *Journals of the Senate* of April 2, 1998, at page 584, it is indicated that the Honourable Senator Watt moved, seconded by the Honourable Senator Adams:

That the papers and evidence received and taken by the Standing Senate Committee on Aboriginal Peoples during its study of Bills S-10 and S-12 (An Act providing for self-government by the First Nations of Canada) in the Thirty-fifth Parliament be referred to the Committee for its present study of Bill S-14.

The question was put on the motion and it was adopted. There is ample precedent.

On motion of Senator Cools, debate adjourned.

• (1550)

CONSEQUENCES OF EUROPEAN MONETARY UNION

FOREIGN AFFAIRS COMMITTEE
AUTHORIZED TO ENGAGE SERVICES

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs (budget—study on the European Monetary Union), presented in the Senate on November 2, 1999.—(*Honourable Senator Stewart*)

Hon. John B. Stewart: Honourable senators, I move:

That the Senate concur in the second report of the Standing Senate Committee on Foreign Affairs presented to the Senate on November 2, 1999.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Senator Stewart: Honourable senators, I should like to say a word or two about this report and also, at the same time, anticipating my motion relative to the third report.

If you will look at the appendix to the *Journals of the Senate* for November 2, you will see that an amount of \$36,000 was approved for the work of the Foreign Affairs Committee on the European Union. In the last session, we expended that amount of money.

Honourable senators, if you will look at the third report, at page 81 of the *Journals of the Senate*, you will see that the budget granted to the committee in the last session for our peacekeeping or NATO study was \$137,400. Of that amount, we expended only \$73,000.

We are now asking, in effect, that the unspent money for our NATO study be renewed for the continuing NATO study in this new session, and that an additional amount of \$10,000 be granted. In the case of the first report, where all the money was expended, we are asking for an additional \$6,500.

Putting all this together, the situation is that, for the two studies, there is a balance of some \$64,400 unspent from the last session's budget. We are now asking, for the two studies a total additional amount of \$1,570. I have dealt with these two reports together because the work of the committee on these two references is sufficiently entangled to require that our financial requests be explained at the same time.

The Hon. the Speaker: If no other honourable senator wishes to speak, I shall put the motion.

Is it your pleasure, honourable senators, to adopt the report?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

CHANGING MANDATE OF
NORTH ATLANTIC TREATY ORGANIZATION—
BUDGET REPORT OF COMMITTEE ON STUDY ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Foreign Affairs (budget—study on Canada's relation with NATO and peacekeeping), presented in the Senate on November 2, 1999.—(*Honourable Senator Stewart*)

Hon. John B. Stewart: Honourable senators, I move:

That the Senate concur in the third report of the Standing Senate Committee on Foreign Affairs presented to the Senate on November 2, 1999.

The Hon. the Speaker: Honourable senators, it is your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

SHELTER STRATEGY FOR ABORIGINAL PEOPLES

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chalifoux, calling the attention of the Senate to "Shelter Strategy for Aboriginal Peoples".—(*Honourable Senator Rompkey, P.C.*)

The Hon. the Speaker: Under the inquiry by the Honourable Senator Chalifoux, if no one rises to speak, the item shall be considered debated.

CURRENT FARM CRISIS

CONSIDERATION OF MATTER OF URGENT
PUBLIC IMPORTANCE PURSUANT TO RULE 60

The Hon. the Speaker: Honourable senators, we have reached the end of the Orders of the Day. I call on the Honourable Senator Gustafson.

Hon. Leonard J. Gustafson: Honourable senators, pursuant to rule 61(1), I move:

That the Senate now adjourn for the purpose of discussing a matter of urgent public importance, namely, the current farm crisis

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

Hon. Erminie J. Cohen: Honourable senators, I wish to thank His Honour for allowing this debate to take place. I am compelled to participate. I am not a member of the Standing Senate Committee on Agriculture and Forestry. I live in an urban environment. I know very little about farming, but working as an advocate for people in poverty, I do know about desperation and despair. This is what I encountered when I attended a meeting with farmers and farm wives from Alberta, Manitoba and Saskatchewan a few weeks ago.

I learned of the severe crisis in farming, imminent foreclosures and the devastating effects it is having on farm families. This nightmare, honourable senators, is occurring in a country rated as the best country in the world in which to live.

Honourable senators, I wish to share with you now some raw testimony, excerpts from letters we received from farm wives, mothers, parents, grandparents. The first letter is from Carol Nicholson, and she writes:

I am writing to tell you my concerns as a wife and mother about farm life. Life on the farm used to be enjoyable but has it ever changed...

I have been married to my husband, Martin, for 13 years. The first few years of farming were not so bad but the last few years have been devastating to us. My husband has had to go out and get a job to put food on the table and support the family. He is also farming so life has been real hard on

him. He would get up at 4:00 a.m. and work on the field until 2:00 p.m., then go to work so he could provide for his family. He couldn't afford to take time off so some days he would work around the clock with only one or two hours of sleep. Some nights I would hear weeping and I knew it was my husband because he just couldn't make ends meet no matter how hard he tried. He just wants his children to have the things other children do. This has deteriorated his health with him losing a great deal of weight and he has become so withdrawn trying all possible ways to see the light at the end of the tunnel. I love him dearly for this but I want my husband back not a walking time bomb.

• (16:00)

I have suffered severe depression due to the phone calls and harassment. In 1997, I lost a baby and I have been trying to deal with these problems as well. Trying to keep my family going and trying to help my husband and children survive. I have had to take a job also and now have to leave my 1 year old, 10 year old and 11 year old without a mother figure. This is very hard and I cry everyday that I have to leave, wondering if they are okay and if they need me....

My daughter Amanda has been having trouble at school, and she has a hard time adjusting to things around her. She hears the calls from collectors and wonders if we will be okay or not. She has complained of being sick so that she can spend time with her parents who she misses. She gets teased at school because she doesn't have good clothes to wear or things like the other kids have.

My son Tyler, has had to see a therapist because he knows times are tough and he worries about all of us. He also complains of being sick so he can be near us. Many nights he would be sleeping at the foot of our bed. When asked "why" he said I just wanted to see my dad.

Joshua, the baby, is small but he feels the tension in the house and he doesn't get to see much of his parents together. Either one or the other. He cries when I go to work and tries not to let me out of his sight. This is terrible for a child to have to go through.

So, life on the farm is not easy at all and I sure hope we get help soon. My husband and I never see each other which is hard on a marriage. He works from 3:00 p.m. to 12:00 a.m. and I work from 7:00 a.m. to 3:00 p.m. I also work weekends. My husband has to bundle up the baby and bring him to work for me so he can then go to work. Who is suffering here??? The child, being shifted from place to place, in the cold, woken up from his nap.

Then you receive harassing phone calls from the bill collectors. With the price of grain, who can afford to sell??? The bills won't even get paid by those small grain checks... We are all suffering. Is there anyone listening????? What is happening to our farm families????? The farm children are suffering. They don't get extra curricular activities like other's because we can't afford it. Christmas and Birthdays are sad for the children and the parents feel guilty always because we can't get them anything. We had an Education Fund for our children when times were good but had to remove the money to pay the bills. Now will my children go to college????? I don't know the answer....

There is a lot more to tell about farm life but I am only giving the beginning of my story. In closing, I ask that you please help the farm families who are suffering. Help the children who live on farms. I want to see my children smile and laugh again, stress free. Life could be better if the government would just open their eyes and see that there are enormous problems and the poor children are suffering as well.

Another excerpt, honourable senators, read as follows:

One of the first things that needs to be mentioned is the fact that I must phone the Farm Stress Line (1-800 line) to have them forward this fax since we have had no long-distance telephone service because our bill could not be paid. We have harvested a whole crop with a lot of calls needing to be made for parts and repairs. We borrowed a cell phone for those calls. On October 10 an emergency arose and we needed to call a doctor. With no local doctor, long distance was needed. We could not even call an operator! My mother passed away in July, and with my family in B.C., I have not been able to contact my family for support or talk to my Dad unless they phone me.

We have been in a family business for 26 years. We operate a 2500 acre mixed farm with a value-added type business processing seed. For 17 years both my husband and I worked off the farm to subsidize the farm. With both of us working, we had to hire help to farm. Since the employee took most of what we made, when the employee left after 4 years, we left off farm jobs and do all the work ourselves.

It has been difficult to keep the lights on this last year. Sask Power Corporation has been our most regular collections telephone caller. There is a tremendous lack of compassion when you are forced to bare your soul to an employee of a large corporation such as this. As always I planted a large garden. I spent my summer and fall devoted to that garden, weeding, freezing, and canning. My 2 freezers are full to the brim with my vegetables and fruit. I feel pride and contentment to think that I am providing a

year's worth of food for my family. When a letter arrived from Sask Power telling me that "service will be turned off without further notice" if payment is not received, I realized that all my work, all my produce, could be ruined with a flick of a switch. I can hardly believe that I could be forced to travel to a city and avail the resources of a food bank and have the resources of my own hands destroyed.

Something is very wrong with the picture when the people who produce food for our country literally have bare cupboards. I cook and bake all we need for meals, lunches, etc., but what happens when you run out of sugar, baking powder, margarine, oil. What happens when you run out of laundry soap, shampoo, toilet paper (we haven't been buying kleenex). There are some things you can't make. We may become vegetarians as we cannot afford the abattoir's bill to have our beef butchered.

Another lady writes:

Each year we see our community struggle to hold on. Each year our tiny community gets smaller and smaller. The church can no longer afford building repairs. Our community centre demands more of our time and donations of food because the membership continues to decline. When I go for a walk, I never see anything new, or hopeful, or fresh. All I see is things deteriorating, shrinking or dying. Babies are very rare in my neighbourhood. Farmers around here are all in their mid 40's to mid 80's.

And I ask myself, "Why are we doing this?" So I can watch my husband's good nature and health be constantly tested. So I can watch my children struggle to balance their jobs, school work and extracurricular activities. So I can listen as my elderly mother complains because I never have enough time to visit her.

But yet, I am the person available to serve at the funeral lunches, the bonspiels, the weddings. I am the family member who can be there when the surgeries, accidents and deaths all demand my support. I can listen to my children as they talk over the trials and uncertainties they have faced, that day, even if it is in the cab of my tractor when they bring me a sandwich.

But what I need to know is this: If Canada doesn't want me as a farmer, then where should I go? Especially, if there are thousands more, just like me, who have to leave the farm, where will we all go? Are there enough jobs for all of us? Will there be enough food produced without us? Will the land be farmed in a manner that will still be able to produce food for my grandchildren and their children?

That letter is from Judy.

And this letter:

We have tried to diversify, but everything requires more money. We've also thought of selling out, but who would be crazy enough to buy land? And if so, after all the creditors are paid there wouldn't be much left. We're too young for retirement, and too old to start a new career, and what a bright future that leaves for our sons.

We have withdrawn all our R.R.S.P.s and NISA, all that's left is our life insurance. Have you checked how many farmers have committed suicide these last 2 years?

We used to be proud to be farmers, but now we've been degraded to beggars. Maybe if we relocated to a Third World country our government would see fit to help us. They seem to find endless money for foreign disasters, yet the disaster in their own country falls upon deaf ears. Why should we feed the world and be left to starve?

This terrible situation is not self-inflicted, it is the direct result of circumstances beyond our control. Why won't our government understand, and acknowledge our state of need? We pray that something will be done soon, or the unemployment and food bank lines will be getting longer, and longer.

Please hear our pleas before it's too late!

Honourable senators, I rest my case.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I appreciate very much the opportunity to discuss and debate this issue. It is a matter of real concern, so I would offer my thanks to the honourable senator who brought this opportunity before us.

I will begin by trying to bring a little balance to the debate we will hear today. I commend my cabinet colleague, the Minister of Agriculture and Agri-Food, for his concern and commitment to a joint approach for taking action in leading the national response to the financial hardships which surely confront farmers, particularly in the Prairie provinces.

These hardships confront certain farmers, and I say "certain farmers" because I must also add that the agricultural industry remains quite strong and robust overall. Incomes in general are very close to long-term trend lines, and agri-food exports have been growing.

• (1620)

We exported more than \$22 billion worth of agricultural and food products last year. That is an increase of almost 1 per cent over the record that was set in 1997 — and it happened despite the economic crunch.

Taken individually, the challenges facing Canadian farmers this past year have not been unique. Commodity prices, costs,

world markets, the economy, and the weather will always see ups and downs, sometimes in the extremes. This time, however, our farmers have been subjected to particularly difficult combinations: low commodity prices plus higher input costs; reduced demand from key markets plus increasing world supplies of key commodities; less than ideal weather plus floods and droughts.

Under the leadership of the Government of Canada, governments and farmer representatives came together to respond to a problem that is made particularly difficult by the fact that it is not uniform across the country. The nature and the intensity of the problem vary according to the region you farm in and according to the crop or commodity you produce. That presents a bit of a puzzle in terms of designing a universal solution. Nevertheless, steps have been taken to respond.

The Minister of Agriculture has been working closely with the provinces and territories to make improvements to the farm safety net in which both levels of government, together, invest no less than \$1 billion each year. The government has laid the groundwork for long-term reforms that will improve the ability of producers to adjust to the income crisis over time, and that will also help us to respond effectively to future crises.

This past July, for example, the Minister of Agriculture and his counterparts from the provinces and territories began hammering out a number of issues surrounding the development of a longer-term agricultural disaster assistance program. Part of that discussion involved ensuring that the long-term program will work effectively with NISA, crop insurance and the province-specific companion programs that make up the current farm safety net system.

In August and September, at meetings of agricultural exporting nations, the Minister of Agriculture also began the fight to make the international trading system more conducive to higher incomes for Canadian farmers. That is the proverbial battle for the level playing field. He tabled Canada's negotiating position for the coming meeting of the World Trade Organization. With support from government and industry, he called for the abolition of export subsidies, for the reduction of trade-distorting domestic agricultural support, and for the opening up of more access to more markets for Canadian farmers.

These measures are important elements in the overall strategy to improve producer incomes. In the meantime, honourable senators, the government has also implemented measures to supplement incomes earlier, to provide easier access to more crop insurance, to provide faster access to savings and loans, and to increase timely cash flow.

To blunt the impact of reduced incomes, the Government of Canada, in consultation with the producers and the provinces, developed the \$1.5 billion Agricultural Income Disaster Assistance Program, AIDA. The federal government provides 60 per cent of that funding, with the other 40 per cent coming from the provinces. That is \$900 million, honourable senators. It is a two-year program for farmers who are facing critical declines in income.

The Government of Canada has also delivered on a commitment by the minister to provide farmers with interim AIDA payments — in other words, giving farmers faster access to the money they need, rather than having them wait until all of their calculations are done at the end of the 1999 claim year.

Agriculture and Agri-Food Canada has developed a quick calculation worksheet to help farmers estimate the payment they would ultimately be entitled to receive. Through the interim payment, producers are eligible for 60 per cent of their estimated full 1999 AIDA payment. This program is putting real dollars into farmers' pockets more quickly in the four provinces where the federal government is delivering the program: Saskatchewan, Manitoba, Nova Scotia and Newfoundland.

Honourable senators, we are also making NISA easier to get. We have considerably eased the ground rules for withdrawals from, and deposits to, Net Income Stabilization Accounts. As a result, 41,000 more farmers have faster access to more funds. In late June, following consultations with the provinces, the minister announced changes to NISA that make available to our farmers an additional \$117 million. The forecast NISA withdrawals and AIDA payments will make a significant dent in the income drop on the Prairies in general and in Saskatchewan in particular. The Minister of Agriculture is expecting that the full \$1.5 billion allocated to AIDA will be paid out for 1998 and 1999.

In addition, more than 105,000 farmers across the country have almost \$1.2 billion in their income stabilization accounts, which they can withdraw right now. That is what it is there for. Nearly 26,000 farmers have already taken that step, withdrawing over \$274 million to help them through this difficult period. In Saskatchewan alone, as of the end of October, some 13,000 producers had tapped into NISA and taken out more than \$119 million. These are substantial funds that can help many farm families get back on their feet again.

Many of you will certainly understand and empathize with the very difficult problems that flooding and drought can pose for farmers and their families. Recognizing this, the Government of Canada worked with the Province of Saskatchewan to improve the crop insurance system on which many producers rely. To ease the plight of producers, crop insurance was made more flexible, and benefits were increased, sped up and made more accessible. New measures were announced this summer giving Saskatchewan farmers up to \$25 per acre in supplemental crop insurance benefits on unseeded acres, and that was on top of the \$25 per acre benefit already available for unseeded acres under the basic crop insurance program. A further \$25 per acre was made available to farmers in both Saskatchewan and Manitoba who were unable to seed this spring. That assistance is provided as an interim payment under AIDA.

The federal government also took steps to help farmers manage their income by providing better cash flow as early as possible at end of the growing season. Stronger loan guarantees

were put in place, making it easier for farmers to use the interest-free federal advance payments program. As honourable senators may know, this program enables farmers to collect payment before they actually deliver crops. In the 1998-99 crop year, almost 38,000 producers received advances totalling \$798 million — and advances under \$50,000, by the way, are interest-free.

I give these statistics in an attempt to balance the debate, not to deny that there are very significant, serious problems in the Prairie farmers' situation. There are serious problems in the agricultural sector; no one can doubt that or deny it. A combination of the things I have mentioned — low commodity prices and the lack of a level international playing field — has placed great stress on this sector of our economy.

• (1620)

That is why, even as we speak, serious discussions are taking place between federal and provincial representatives. Just last week the Prime Minister met with the Premiers of Saskatchewan and Manitoba on the issue. The federal Minister of Agriculture, Mr. Vanclief, has been in regular and ongoing contact with his provincial counterparts. Therefore, it is a serious situation and the Government of Canada is treating it as such.

Honourable senators, no one is underestimating the needs that exist in the agricultural community, which is why the federal government is now looking at changes to the existing AIDA program in order to get more money into the hands of more farmers more quickly. Having said that, I must be forgiven for making a slight diversion in the debate. It must be remembered that the agricultural situation and the agricultural sector is an area of shared federal-provincial jurisdiction.

The solution to the problem will not be found in unilateral action by the federal government. For instance, there have been recent reports from Senator Gustafson's home province that provincial spending on agricultural support in Saskatchewan has dropped dramatically since the early 1990s. Yesterday, Saskatchewan's provincial auditor, Wayne Strelieff, reported that provincial spending in the Province of Saskatchewan on agricultural programs had fallen by more than 70 per cent since 1991-92. In 1991-92 provincial spending on agricultural programs in Saskatchewan was \$1.2 billion. In 1997-98 it was \$251 million. It went from \$1.2 billion down to \$251 million as a result of the decisions of a government whose premier came here, asked for \$1.3 billion, and left in a fit of moral outrage when he did not go home with a cheque.

In 1998-99, their spending rose slightly to \$323 million, but that still represents a 73 per cent reduction. However, this is a premier who can come to the capital, make a demand on the Government of Canada that they produce \$1.3 billion, and do it now, and then leave in moral outrage, without a reference to the record of his own government. This is a federal-provincial problem. It must be dealt with by both levels of government.

Mr. Ken Krawetz, the finance critic of the Official Opposition in Saskatchewan, blamed the current farm income crisis on the provincial government. When the provincial auditor cited the reduction that was made by the provincial government, he said:

That's the reason our current agricultural economy is in the problem it is in.

Honourable senators, what is happening at the provincial level of government in Saskatchewan underscores the need for a joint federal-provincial approach to this serious situation. This is not a matter on which we can seek partisan advantage. This problem is too important to the country. This challenge is too large. The challenge facing Prairie farmers is not imaginary; it is real. The challenge and the problem facing Prairie farmers did not originate yesterday and it will not be solved tomorrow. The problem and the challenge facing Prairie farmers is one that requires a multi-level approach, a thoughtful approach, an approach in which I would say we should call upon all parties and all levels of government to cooperate, in putting in place a long-term and a meaningful solution.

I have given some indication of the efforts of the government to date. I hope I have given some assurance of further interest and effort in this very important area by the Minister of Agriculture and the government in the very near future.

Hon. A. Raynell Andreychuk: Honourable senators, I have spoken often in this chamber about the farm situation in Saskatchewan. I wish to touch on a few points that are of particular significance to me. I do not know whether I am fortunate to speak right after Senator Boudreau or not, because there were many things I should like to rebut in the statements made by him; however, I am sure that my colleagues will address them more specifically.

Honourable senators, there is no doubt that there is a farm crisis. There is no doubt that that farm crisis has existed for a long time. What is certain is that from time to time governments have intervened to help the farmers and they have helped at the provincial level and at the federal level. What is different today is not the fact that we do not have a long-term answer; what is different is that the federal government does not view the situation in Saskatchewan and Manitoba, the Prairie situation, as any different from the situation in agriculture across Canada.

Senator Boudreau has forcefully pointed out the programs that we have in agriculture; however, they are all the one-size-fits-all type of programs. If we had addressed the fishery or the forestry in the same way, we would be much poorer today. We acknowledge that regionalism exists in Canada; we are aware of the weather differences in the country; nor do we say that one AIDA program fits all. Indeed, all of the facts and figures that have been pointed out by Senator Boudreau are, in my opinion, correct. I have no reason to doubt his figures.

The problem, however, is very much as I have described in this chamber time and time again: those figures are national figures; but we need to talk about the effect on Saskatchewan. At

this point, if the Prime Minister would only come to Saskatchewan, he would hear time and time again from farmers about the impact of this crisis; and he would hear about it from those of us who live in the cities, because it is now affecting the cities too. It is affecting teachers and doctors and lawyers and gas station attendants and waitresses. Everyone knows, not that the figures are there, but that the farmers are in trouble — real, deep trouble.

One year ago the farmers were in trouble, just as part of a long-term issue — the ebbs and flows of the international situation, the export situation. However, today, for whatever reason, the farmers are in trouble in a crisis situation.

A provincial delegation came to Ottawa to ask for help. Perhaps they could have done more; perhaps they should have done more. They now understand how deeply rooted this problem is and that it needs immediate fixing. They came with the expectation and hope that there would be some federal response. What was the federal response? "Go home, we will look at the numbers again." There was none of that willingness to work together, none of that willingness to look at Saskatchewan and Manitoba differently. We can go back and study the figures for the long term, however, and perhaps those studies and those figures will help those farmers who survive — but many are not surviving.

Senator Cohen has listed some of the letters sent to parliamentarians. We are all getting letters of desperation. We are all getting telephone calls from farmers, who soon will no longer be there. They cannot wait for more facts and figures.

Honourable senators, the problems in Saskatchewan are not just the result of international farming issues. They have been brought about in large part because farming issues, and Saskatchewan farming issues in particular, have been low on the agricultural totem pole. There is not, to this day, a national agricultural policy that takes into account the variations or the variables in farming in the various areas. We are too timid when it comes to the international arena to put together a national strategy. We are always mindful that the farmers in Quebec and Ontario have their own unique sets of problems. We know that Saskatchewan and Manitoba have other problems, not to mention the problems of the fruit growers in British Columbia and farmers in Atlantic Canada.

• (1630)

We blame all our problems on the international situation. We can talk about removing subsidies and forcefully pursuing a strategy, led by Mr. Marchi, that the United States and Europe must eliminate their subsidies. The fact is that they have not in the past and they will not now eliminate their subsidies. In fact, they will increase them and maximize advantages for their farmers. Yet, we go back with the same strategy. We have done nothing new, creative or different. Our federal leaders must formulate a strategy, as they did with the Cairns Group a number of years ago. We made gains in that respect and we are still reaping the benefits in world trade structures.

Where is the new creative thinking? Will we simply ask again that subsidies be eliminated? They will simply tell us to eliminate subsidies, and we will say, "You first." If we do not have a strategy, we will be driven by the Americans and the Europeans.

Nothing I have heard from the federal government indicates to me that it understands that there must be a new way of addressing the issues. That was particularly true when we studied the Canadian Wheat Board legislation. We left it to the board of directors of the Canadian Wheat Board to solve the problems of Canadian farmers and Western Canada rather than formulate legitimate support systems for farmers. For example, what are our marketing policies on grain?

The bottom line is that there is no creative awareness within the federal government in particular, and there must be a new way of looking at the issues of farming in the West. I cannot say that the premiers were always on side. It took an election to jolt some of them before it became clear that this is not an ongoing, long-term issue. This is an immediate crisis.

Ministers Goodale and Vancielief are still saying that we can sort the problem out with the existing programs. While we are attempting to do that, farmers are going under. We will be left with corporate farming. It is time for the government to come clean. Does it wish farming to continue as an exemplary way of life that sustains food production for the rest of us? We can continue to revamp the figures, but the fact is that farmers in Saskatchewan are leaving the land in greater numbers than ever before. Families are under greater pressure than ever before. We will not be able to sustain farming in Saskatchewan if we continue on this route.

Honourable senators, time has run out. The speeches have been made in this and the other chamber. All parties, other than the governing party, agree that there has been enough talk and analysis and that there must now be real commitment.

If the Prime Minister or the Minister of Agriculture had given some emergency aid to the farmers of Saskatchewan, that 3.2 per cent of the population, it would have shown them that they have some merit.

Today we do vote counts. Saskatchewan and Manitoba will not win on vote counts. They will not win on majority. They will only win when the majority understands that the minority in Saskatchewan is hurting and needs specific and specialized attention, not broad figures thrown around.

It does not serve us well to lay the blame on the provinces. They will have to shoulder their portion of whatever program is put in place, and they are signalling a willingness to do that. The federal government seems to be putting the responsibility on others, and it has yet to do anything constructive.

The Leader of the Government in the Senate has again said that the government will study the figures and that they are

working on committees with the provincial governments and the agricultural community. The only party saying that the process in place today is working is the federal government. All farming organizations, the provincial governments and, more particularly, the farmers, are saying that the process is not working.

Honourable senators, what will it take for the government to give a hand to those who want to cooperate to ensure that food supplies continue and that Saskatchewan and Manitoba will continue to be part of the Canadian mosaic?

Hon. Sharon Carstairs: Honourable senators, I thank the Honourable Senator Gustafson for launching this emergency debate on this important issue. I thank Senators Spivak, Andreychuk, Gustafson, Tkachuk and Sparrow who, through the spring and into the fall, frequently asked questions of the government about the problems the agriculture sector, is facing particularly in Saskatchewan and Manitoba.

Honourable senators, it is important for us to realize that when the federal government works with the provinces, farm organizations, farmers, and producer organizations and comes up with a plan, and that plan does not work, not all of the blame can be placed on the federal government, which is all too often what I hear.

The Agricultural Income Disaster Assistance program is not working in its present form. Of that there is no doubt. However, this was not a federal government program alone. This was a federal government program in cooperation with the provinces. The provinces stood proudly with the federal government and announced this program. They said that it would help the farmers in need throughout this country. Regrettably, it has not. When the federal government says it must look at the criteria, examine the program and find ways to make the program work, we have to accept that this approach has some validity. When the federal government says that it is not the only player at the table and cannot come up with a program with which the other parties to the original program do not concur, we cannot move forward. This is not a stand-alone federal government issue. The very fact that AIDA is a 60-40 program means that the provinces are contributing 40 per cent of the cost.

• (1640)

One of the major problems faced by many farmers in southwestern Manitoba and in a large part of Saskatchewan was flooding. Premier Romanow and Mr. Vancielief, the federal Minister of Agriculture, came to an agreement. They agreed that there should be an additional \$50 per unseeded acre.

What happened in my province? The premier, facing an election, decided he would not sign that agreement. The federal government could not proceed without the participation of the province because crop insurance is a joint program. It is not a unilateral federal program.

I have yet to hear — and perhaps I am wrong — that Mr. Doer, the new premier of the province of Manitoba, has signed on to this program, so the farmers of the province of Manitoba who could have been aided and abetted by this unseeded-acreage payment have not received that aid.

It is important to examine exactly why AIDA is not working. Clearly, the criteria set by all the partners were not the right criteria. Was there malfeasance? Was there a deliberate attempt to put into place a program that would not work? No, I do not think so. I think Senator Andreychuk is right that a sensitivity to the particular problems in Saskatchewan and Manitoba was needed. Unfortunately, the people on the ground in Saskatchewan and Manitoba in the first instance thought the program was terrific and signed on as fast as they possibly could. Let us examine why the program started to unravel.

Senators Spivak and Senator Andreychuk brought to my attention the fact that farmers were being forced to pay \$400 or \$500 or \$600 to an accountant to file the application forms. Clearly that was mistake number one. If the particular forms were that complicated, then we should have provided assistance to help the farmers fill them out. We did not do that. It was particularly unfortunate that we missed an opportunity, as we were going into the university summer session, to hire and train young accounting students to help farmers with those forms. We did not do that. Senator Sparrow pointed out that, in one program, the forms did not even fit into the envelopes provided. Perhaps that was a different program, but we did not respond as rapidly as we should have to those kinds of details.

What happened? From a \$1.5 billion program, \$900 million of which came from the federal government, according to my most recent figures, only \$236 million has been spent.

Senator Gustafson: It went to the wrong people, too.

Senator Carstairs: Where is the rest of the money going?

Senator Spivak: It is going to the wrong people.

Senator Carstairs: Why are these needy farmers not qualifying for these funds? How can we make that money accessible to the farmers? Before we start talking about new money, we must get the currently committed money out to the farmers of Saskatchewan and Manitoba. I am assured and I am confident that Minister Vanclief is working overtime to do just that — to quickly find the means to get the balance of that money into the hands of the farmers in Saskatchewan and Manitoba.

Let us face it — commodity prices are in a disaster mode for the farmers of Western Canada. We must examine prices. We must understand that at no time in our history, in comparative dollar terms, have prices been so low. We must work cooperatively, and I do not refer only to the provinces and the federal government. The Leader of the Government in the Senate pointed to the reduced contributions of the Saskatchewan government to agriculture. I am sad to say that the same situation exists in Manitoba. The same situation exists in the federal

government. Let us be honest. Everyone has backed off and decided that we can spend less money here.

Honourable senators, there have been some extraordinarily complex changes in farming in Western Canada. We have not yet dealt adequately with all of those changes. The only way we will successfully meet the needs of Western Canadian farmers is if the federal government, the provincial governments, the farmers and the producer organizations all work together cooperatively.

Hon. Senators: Hear, hear!

Hon. Mira Spivak: Honourable senators, I thank His Honour for allowing this debate. Some of you may not know this, but he did at one time represent a farm constituency with which I am familiar, namely, Ste. Rose, Manitoba.

I appreciate, too, the comments from the other side, from Senator Carstairs and the Leader of the Government. I know their comments are sincerely felt. I do not disagree that there has been blame on all sides. We do need to work together, but there are a few points still to be made.

In my opinion, there is not sufficient acknowledgement of the urgency of the problem. It is not appropriate to look at present programs; they are not important now. This problem is urgent.

Why is the problem so urgent? The situation is much worse than the 1930s because these farmers are far more deeply in debt. They have spent unbelievable sums of money for machinery and inputs. Now the banks are ready to foreclose. The farmers cannot pay their taxes.

Perhaps the Saskatchewan government did cut their contributions to the farm community by 70 per cent, but the federal government has contributed to the problem. When I refer to the federal government, I do not mean just the Liberal government; I mean the federal government. The federal government cut transportation subsidies by 60 per cent to decrease the deficit. That decrease was too much too soon, and it had catastrophic results for farmers in Manitoba.

• (1650)

Only the federal government has a tax base sufficient to give that \$1.3 billion now. The provincial governments — no matter what sins were committed by the previous administrations, and there were many — do not have the tax base to help. They have been cutting deficits and putting money into health and education. Now the federal government is expecting \$60 billion or more over the next few years. Money is earmarked for the Millennium Scholarship Fund and other things which are important but which do not constitute an urgent crisis.

As my colleagues have expressed, a way of life is disappearing. The whole western agricultural economy is being transformed by vertical integration. Cargill and others will take over more and more farms if we continue on this course. If we do not want that to happen, we must act swiftly. Sometimes a sharp surgical stroke is the best way to do it.

Those of us who are on the Agriculture Committee have been watching the current crisis develop. We heard the early warnings of it through the work of the committee and its very able chairman and have been obtaining firsthand reports from farmers who have come to Ottawa in recent weeks. These very productive Canadians are caught in financial strife. I want honourable senators to know that they are productive; there are no inefficient farmers left after all this time.

With all due respect, this is a trade-driven government, as was the previous government — therefore, I am making a nonpartisan comment. Ministers' speeches are full of references to competitiveness in the global economy. Yet it seems to be blinkered to the enormous competitive disadvantage faced by farmers who work in a sector which, last year, accounted for \$26 billion in exports. It is not market access that counts here; it is the price one is receiving for product. Perhaps market access will help the producer, but not soon enough. Competition is impossible in an export market where the U.S. and European subsidies are many times the value of what the Canadian government can provide.

The message the government delivered to farmers via the provincial premiers last week was a surprising one. It was a refusal to meet their request for additional aid. The government's new statistics on farm income estimates do not reflect the reality of what is going on in Manitoba and Saskatchewan. Incomes in Saskatchewan were estimated to drop by about 107 per cent in 1999, while the estimate for Manitoba was about 133 per cent. I do not know whether those figures are accurate. It was the estimate in July.

Dwain Lingenfelter, the Saskatchewan Minister of Agriculture, calls the federal estimates seriously flawed. Of course, his views may be seriously skewed as a result of actually working and living in Saskatchewan, by talking to farmers and by paying close attention to a problem. On the other hand, the federal people have an advantage, in Rex Murphy's words, "of a perspective through a long distance periscope."

Minister Lingenfelter called the new federal numbers an overestimation of earnings, including AIDA and NISA payments. Somehow these new estimates show operating costs in Saskatchewan to be reduced by \$60 million, which is quite a cut. They do not know the source of those figures. The Manitoba agriculture minister stated that the official federal agriculture forecast for Saskatchewan and Manitoba released in July is still valid because not much has changed in the situation since then.

However, provincial ministers stated that the \$1.3-billion trade equalization payment that they had requested from Ottawa was a modest request. It was a modest request, not only in light of what we are seeing, thanks to prudent management in terms of the surplus, but in light of what European and American farmers are receiving. It is nothing compared to what they are receiving. The bottom line is that whatever the estimates may actually turn out to be, they cannot alleviate the need for farmers to receive help now.

This year, a spring wheat producer lost \$15.50 for every acre he grew. A producer of feed barley lost \$12.20 per acre. A farmer who grows rye has lost \$50.22 for each and every acre he produced. The reasons are not complicated and have nothing to do with efficiency or inefficiency. They are not related to weather or luck. They have everything to do with the global economy and trade.

The price farmers must pay for goods and services has been rising steadily. I refer to fertilizers, herbicides, fuel, utilities, insurance and repairs. The cash outlays alone are running \$60 to \$80 per acre. That is before the farmer pays taxes, repairs buildings and pays loans on equipment, which can run another \$40 an acre.

When wheat sold for \$160 per tonne and canola sold for \$355 per tonne, there was something left over for the farmer at the end of the day. This year's price for wheat is 24 per cent below the five-year average, and canola prices have dropped by one-third.

Commodity prices have fallen to historic lows for three reasons. The first is that production this crop year and last is well above average. The second is that demand has fallen due to the world financial situation, especially in Asia. The third is that our major competitors, the U.S. and the EU, are protecting farmers from these extreme market conditions through high level subsidies. As members of the Agriculture Committee found when we went to Europe, these subsidies encourage overproduction, which gluts the world market and causes prices to fall.

Subsidies elsewhere are a major problem for our farmers. Our wheat growers see 9 per cent of their income in the form of subsidies, compared with 56 per cent for their counterparts in the EU, and 38 per cent for wheat producers in the American Midwest. The situation is even worse for producers of oilseeds.

Since 1993, Canada has decreased its support to agriculture by 45 per cent. U.S. support has increased by 34 per cent, while EU support has remained essentially unchanged. The OECD estimates the support payments to producers of all agricultural commodities — not just grains and oilseeds — average \$17 U.S. per acre. In the U.S., that figure was \$45 per acre, while in the EU it was \$362 per acre.

Without additional income support, which the Saskatchewan delegation very correctly described as trade equalization payments, collectively farmers in Saskatchewan will lose an estimated \$48 million. In Manitoba, it is estimated to be \$100 million. No industrial sector could hope to stay competitive against these odds. The international subsidy problem must be resolved. In the meantime, our farmers must have more federal government assistance. The only other choice is to see their land, field by field, surrendered to the banks and multinational companies that can afford to wait until this government stops digging in its spiked shoes or the EU countries lower support to their farmers. From our Agriculture Committee's inquiries and travel to Europe, we know that hell will freeze over before the latter takes effect.

If it continues on its same course, the government is choosing an unprecedented option for this country. Unlike governments in the depression that could not offer much help, there is some money. Today, the government could afford to carry our food producers over this hump. Honourable senators, I am speaking largely about Western Canada. People in the feather and dairy sectors are doing all right because of supply management programs.

One could say that the federal government is to blame for this problem, as well as other governments, because cuts to agriculture in excess of \$1 billion were made to bail them out of their deficit problems. Why should the government help farmers keep their land? As a westerner, I am tempted to say because it is the soul of a huge part of this country. I am talking about the family farm way of life. It is as priceless as the French language is to Quebecers, as life on and near the sea is to the people of the Atlantic provinces, and the mountains and forests are to British Columbians. I am tempted to put it in terms of culture and heritage. However, I know that, in the end, only the numbers will appeal to the government — the number of seats, revenue numbers and export statistics.

• (1700)

Honourable senators, I hope that there will not be too much of a dispute over some of these. The field of wheat that the farmer is paying to grow has an enormous value to other Canadians. A bushel of wheat can produce 57 loaves of bread that sell at \$1.25 or more. Sometimes you pay \$2.00 or more for a loaf.

The Hon. the Speaker: Honourable Senator Spivak, I regret that I must interrupt you. The 15-minute period has expired.

Senator Spivak: I am asking for leave.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Spivak: By growing 30 bushels an acre, the farmer's 160-acre field yields bread worth \$342,000 on store shelves. The farmers may be facing financial ruin, but many people count on his grain to turn a tidy profit or earn a modest living.

Another important example is the barley producer who is losing money on every acre. By producing 50 bushels an acre and selling it to the breweries to make beer, the farmer is producing an enormous amount of tax revenue for federal and provincial governments. In fact, a 160-acre field of barley producing 133 bottles of beer per bushel ultimately reaps \$1.5 million in taxes on beer and GST. You can check these figures, which come from the farmers.

Honourable senators, in closing, I will table some letters from children in our area so that you can read their concerns. This is a disaster and it must be alleviated unless we want the entire agricultural economy of the West to be transformed.

May I have leave to table these letters?

The Hon. the Speaker: Honourable senators, there is a request by Senator Spivak to table letters. Is it your wish that the letters be tabled?

Hon. Senators: Agreed.

Hon. Douglas Roche: Honourable senators, this is a crucial debate concerning the plight of Canada's agriculture industry.

Agriculture is a core element of the economy in my province of Alberta, and the farmers in Alberta did not like the insensitive treatment given to the Premiers of Saskatchewan and Manitoba when they made a legitimate representation to the Government of Canada. This lack of response by Ottawa hurt all the more in light of the extraordinary surplus being racked up by the federal government.

Farmers and their leaders have been disappointed in the government's leadership in not adequately responding to the disastrous situation facing Canadian farmers. Families are losing their farms, and plants are closing in Alberta and Saskatchewan, with job losses and grave social and economic distress. We are witnessing the demise of an entire industry, with devastating impact on Western Canadian communities. Are we to tell these communities that Ottawa has nothing for them as the government decides what to do with its impressive and growing budget surplus?

Clearly, these communities need some form of adjustment or transitional assistance from the federal government. We are not just talking dollars and cents; we are talking about their wellbeing — the very preservation of communities as they face a situation not seen since the Great Depression. The government must alleviate the present disastrous price and trade circumstances to save this industry.

The industry is being hit hard through the domestic and export subsidies of its competitors in other countries. Surely, the government must take note of the suffering on the Prairies in devising its strategy for the upcoming World Trade Organization summit in Seattle. However, the present circumstances cannot continue while lengthy trade negotiations take place, since they will produce no result in Alberta, Saskatchewan and Manitoba once the agriculture industry has been devastated.

Further federal assistance is needed now.

Hon. Nicholas W. Taylor: Honourable senators, I enter this debate with some trepidation because, with agriculture, there is little that you can do that is 100 per cent right. We have been dealing with the idea of adapting to a free market on the horizon, and also the farm family as not only a business but a home, a way of life and a community, as has already been emphasized. It is a difficult problem.

It is well to remember that only a scant six years ago farm organizations were making trips to Ottawa and Edmonton, where I was serving in the legislature, asking the government to get out of the business of farming. They said the government was

ruining the normal process of the market and the normal chances of farmers being able to forecast, using computer technology, what the market would be.

I am a member of the Agriculture Committee, and we made trips throughout the West, in particular in Manitoba and Saskatchewan, which have more Prairie land than Alberta, my native province, and where the problem is probably the worst. Also, as a member of the Agriculture Committee, I toured Europe to try to talk to the European community. As Senator Spivak so well pointed out, they do not have much intention of changing.

What is happening in agriculture is a bit of a revolution. The government of the day, which happens to be my government, is stuck with this conversion from aid to farm and food producers on a commodity basis to a form of income insurance. That came about quite naturally in Canada because we export so much of our food production compared to any other nation that if we were to try to subsidize the price of our products, wheat, apples or whatever, the rest of the nation would not be able to stand the expense. Therefore, we came up with an idea which we are hoping will catch fire in Western Europe. We did see some glimmer of this in Germany and Scandinavia where, instead of paying the food producers by the unit of production, whether it is a cow or a quart of milk or a bushel of grain, we work out some form of income insurance.

We tried to use the argument when we talked to western Europeans that, with their method of paying their food producers by the commodity, they were ending up with an abused environment. They were ending up with nitrates contaminating their water table because of over-fertilization and the spread of different types of weeds and genetic modification in order to get the grains to produce more. They were modifying the grains and so on. When you go into reward on the basis of product, as Western Europe and the U.S. are doing, you do a great deal of harm to the environment.

Canada, quite wisely, opted for the idea of income insurance. The fact of the matter is that we should not throw out the baby with the bath water. Income insurance is falling down on the Prairies. There is no question that our way of analyzing income is not working very well in Saskatchewan and Manitoba. However, it is interesting to see how well it is working in Alberta. I hate to say this, because I was in the opposition and threw shots at the government at the time, but they were some of the first people in Canada to come up with the idea of insuring income. It has worked quite well. Certain accidents in geology and geography have given them less of a problem than we have in Saskatchewan and Manitoba, but they do have a way of handling the problem which is better than the other provinces.

• (1710)

That is primarily because they got to the agricultural producers, and the agricultural producers started to think of

income insurance, and not of so many dollars per acre or so many dollars for wheat and so on, which warps the marketplace.

If you are truly in favour of the free market, you want to design your system in such a way that the free market functions properly, which means of course trying to put in a form of income insurance. In that respect, the Canadian government has moved in the right direction with the AIDA package and the other assistance programs we have in place to reward farmers or food producers for saving their money and putting it aside for a rainy day. We have come up with a program that, admittedly, is faltering in Saskatchewan. I think it has worked out to about \$11,000 for each producer that has qualified. In Ontario, that figure is about \$15,000 per producer, and across Canada it is about \$14,000 per producer.

Any system or program based on income requires the farmers to keep track of the accounting in an entirely different way than the farmer has done in the past. If the government is guilty of anything, it is perhaps a lack of sensitivity by the bureaucrats with regard to selling a system of income insurance rather than commodity insurance. There are no excuses for sometimes being a little unsympathetic. The problem may have been aggravated by the government's being a little insensitive in responding to farmers and in selling the whole system of income insurance, but you have to imagine the farmers' point of view. They have a feeling of inevitability and hopelessness that is not entirely caused by the government: "If the government could not sell my wheat last year, and it is poor this year, and all I am growing is grain, what will I do next year?"

We are not proposing, although perhaps we should be, ways of changing the system so that they can see a future in farming. All they can see is competing against Western European and American subsidies and then begging the government to try to come up with the difference. The farmers know that any government over the long run will say, "We have to stop this some place. We cannot keep rewarding you on a commodity basis." There has to be some sort of revolution in food production. The farmer does not know which way things are going; the opposition says the government does not know, and I have not heard anything from the opposition, either here or in the other place, to suggest that they do. Everyone can describe very well what the calamity is: The boat has sunk and you are all out there swimming; but no one has told us how to get around to a solution.

Honourable senators, I should like to hear more with regard to an alternative — something that goes beyond sober second thought. Sometimes we have good first thoughts. We have our Agriculture Committee. Perhaps we could be doing something more to come up with an alternative for our food producers, to give them hope and to allow them to stay in their communities and educate their children, rather than just telling them, "We are competing against the Americans and Europeans, and we do not have enough money." That is not a good enough answer. We are moving into the area of income insurance, and perhaps we can do

more work on that. It can be argued that income insurance is something like a safety net underneath someone walking on a tightrope. If we can get an income insurance system in place so that the farmers themselves, through free enterprise, can think up alternatives, then we will have done something. I should like to challenge the Senate to do something along this line, because we have some good and imaginative thinkers here.

Hon. David Tkachuk: Honourable senators, first, I should like to thank His Honour for allowing us to have this debate this afternoon.

I was listening to the Leader of the Government talk about the drop in support for agriculture in our province of Saskatchewan since 1992. That is true. It took place under an NDP government. Perhaps that is what solved their deficit problem.

Under the present circumstances, the government and the members across should be able to help stimulate the flow of a little more money from the province, considering that their party is now sleeping with the NDP. Melenchuk and Romanow are partners in politics, sit together on the same side of the house, and, so far as the people of Saskatchewan are concerned, are one and the same. Certainly, so far as the farmers are concerned, they are one and the same. As Senator Spivak said, that election jolted Premier Romanow, the Premier of Saskatchewan, to come to Ottawa to ask for farm aid.

As a Conservative, at least I can look back on Alvin Hamilton and John Diefenbaker and Don Mazankowski and Bill McKnight and Charlie Mayer and Brian Mulroney as people who took sufficient time to understand Western Canada. That is not something the present government in Ottawa can say. When he was Prime Minister, Brian Mulroney took the time to understand western agriculture, and he understood it well, unlike his immediate Liberal predecessor or, of course, the present Prime Minister.

My belief is that the Liberals are never interested when commodity prices in Western Canada are going down. They are only interested when commodity prices are going up, as they were when oil prices went up and Western Canadians were reaping the benefits of world prices and hence we had the National Energy Program imposed by the Liberals, a program that redistributed billions of dollars all across Canada, money that belonged to the producing provinces. They paid the political price then and, despite the little 1993 hiccup, they will pay the political price again.

The response that we have had to this crisis from the Liberal government has been the AIDA program. It is a typical Liberal response. It is a welfare program. You fill out reams of forms, you hire accountants, you deal with bureaucrats. This is not a normal response to an emergency. We do not deal this way with earthquakes, tornadoes or emergencies. We do not fill out forms. That is not what we do. However, that is what the Liberal government in Canada expects the farmers to do.

In 1996-97, net farm income fell 55 per cent nationally, and it dropped another 35 per cent in 1997-98. We now have negative figures in Saskatchewan and in Manitoba for farm income. Of course, the Liberal government has produced new numbers, along with their \$97 billion in extra cash over the next five years, to say that is not so, but bankruptcies in agriculture and related service industries have totalled 1,053 since 1995, with accumulated liabilities of \$227.5 million.

What we do not have from the present government is a national agricultural policy. What we have instead are temporary band-aids every time there is a problem in Western Canada. In the highly populated areas in Eastern Canada, we have marketing boards, a subsidy program paid directly by the consumer to the farmer. That is exactly what a marketing board is. It is a monopoly. Out in the West, however, we are fending for ourselves. We all know what is happening in Europe. They are paying up to \$8 in some countries for a bushel of wheat. European governments are subsidizing this because they cannot sell it for that price. They cannot even give it away.

• (1720)

Other countries will not get rid of their subsidy programs any more than we want to get rid of our marketing boards. The reason for that is once you have been weaned on subsidies, have grown up on subsidies and gotten rich on subsidies, politically, it becomes impossible to get rid of them. That is what has happened in Europe.

The Americans have joined the fray. They have decided to take the Europeans on and are now paying subsidies. Meanwhile, the poor Western Canadian farmer, exposed to the marketplace, has nowhere to go. He has seen his land fertile and he has seen his land turn against him. Nothing grows. That is not unusual in the West. It is not unusual for a farmer anywhere. When he has seen his land fertile and has seen people reaping the benefits of that land by making bread, whiskey and beer, or by exporting at cheap prices around the world, and the land becomes worthless to him, then we have an emergency. That is what is happening on the Prairies today.

Senator Taylor said he has not heard from this side about what we should do. I am as perplexed as he is at times about what we should do, but I know one thing — we can no longer continue to grow commodities that everyone else in the world is subsidizing. We know our economics, and we know that if we give away cars in Europe, we will not be able to make money on cars in North America. That is what those countries are doing. They are giving away their wheat.

Canada is an exporting country. We do not have enough people in Canada to eat all we produce. However, we cannot take away the resource that we have because these human beings on the Prairies are our resource. They must be protected because they know how to farm that land. We cannot let them all go broke and leave town. We need a national program, not based on welfare, but based on an agricultural industrial strategy stating that this land must be put to other uses.

Honourable senators, we must allow for a time of transition. I believe there should be 10 years of transition, where we say to the farmer that we will pay so much per acre. The farmer will then have an incentive to grow crops that make money during this time because he will make more money. Let us not deduct the money when we give a farmer the acreage payments if he does well. Let us make sure that he does very well so he can wean himself off that subsidy. That is what we must do. We cannot ask the Europeans to get rid of subsidies. Forget that. We all know what happens with welfare. People become dependent on it and refuse to get off. That is what has happened. The Americans have decided to do something else. We must devise a made-in-Canada program to save our family farms because they are worth saving.

As a Conservative, I believe that a rural way of life is important to a country. I do not wish to see people live only in urban centres. A rural place is a place to which you can get away. Everyone says how nice it is to go out into the wilds and go to a park where no one is around. You are alone to some extent. If you have ever gone to rural Saskatchewan, Alberta, Quebec or Ontario, you know exactly what I mean. The rural areas are different and they are important. However, they must be economically viable. Rural people are smart. They live in a rural part of the country and survive, which means they are smart and they work hard.

Let us give the farmers something that has some hope attached to it. Let us not continually say that they are in trouble and that we have this little welfare program for them. We say to them, "Fill out all these forms, and if you are poor we will give you money, but if you are somehow eking out any kind of a living we will not give you any money." That will not help. They do not want welfare. They never have and they do not want welfare now. However, I will tell you one thing: If we make them dependent on welfare, they will love it.

Mr. Romanow came here. I do not believe I have ever agreed with Roy Romanow, but I agreed with him on this trip. The Premier of Manitoba came here at the same time, along with leaders of the opposition and farm delegations. They did not treat him well. The government did not take their concerns as a high priority. We heard the Minister of Finance yesterday and he never even mentioned agriculture, one week after the visit. Oh, yes, it is important, but in the speech of the Minister of Finance, it is not that important. He says, "I have \$90 billion to spend and I can hardly wait. Maybe I will give you some tax cuts and pay off a little debt." Mr. Martin did not mention agriculture, so we asked for the emergency debate.

Honourable senators, AIDA is flawed. We know it does not work, so we should not try to make something work that will not work. We should get rid of it and come up with something that works. This was supposed to work last spring. It is now fall. The farmers in Saskatchewan must get ready for April pretty soon. It is already November. Then it is Christmas and then seeding is a few months down the road. When the government set up this program, farmers applied in the spring and they are still waiting for money today. That is not the way to respond to an emergency.

I hope that even after this debate is over we can continue to debate in one form or another until we come up with a solution that will solve at least some of the problems. We can work together more in this place than probably any other legislature in the country because we are here for a long time, health permitting.

Senators on this side know what must be done, and what is being done now is not working. We ask that senators opposite have a close look at what their government is doing. We ask you to ask your Prime Minister to make a visit to the Prairie provinces and spend some time listening to what the farmers, the municipal governments and the provincial governments are saying because they are close to the people. They are worried about their communities. We ask honourable senators opposite to do that, and then perhaps you will fully agree with us that there is an emergency in Western Canada and that it must be dealt with immediately.

Hon. Herbert O. Sparrow: Honourable senators, first, I should like to thank and commend the senators who sit on the Agriculture Committee for the stand they have taken in support of the agricultural community in the past year, and certainly previous to that. Senators Spivak, Andreychuk, Gustafson, Hays and Fairbairn have all played a very important part in trying to bring the message to the government, and to all Canadians, of the plight of the agricultural industry in this country and, in particular, the plight in Saskatchewan, Manitoba and Alberta. Allow me to commend them for that because there may not be many more kudos in my speech.

• (1730)

I am not so sure I know what happens when we have an emergency debate. I do not know where this message goes, but this is an important debate. There is a saying, "If it ain't broke, don't fix it." Well, this system is "broke" so let's fix it. That is the message that the leadership in the Senate must take: It is broken; let us fix it.

Enough is enough. We have heard about plans to do this, to do that, and to change the forms. Nothing is happening except that our farmers are going broke. When this problem arose last November, one year ago, a program was brought forward. Senator Carstairs says that all the parties agreed, and that there was cooperation with farm organizations and governments. Yes, there was some consultation. The attitude was that the AIDA program funds would go out early in the new year. That usually means that in February, March or April money would be made available to allow for time to seed the next crop. That did not happen.

Senator Carstairs said everyone cooperated. That is not a fact. I also went to meetings with the Department of Agriculture, including the minister. I believed that the program as suggested was fine and would work. When the program finally came out with the AIDA forms, it became obvious that the program would not work. It is obvious today that it did not work and that it will not work.

I am aware of only one group that reacted immediately when the program was delivered; the Canadian Federation of Agriculture said it was a good program; but within a month they had changed their minds. When they saw how the system would work at the farm gate and where the money would go, the CFA withdrew their support. Not one farm organization in Western Canada — and I cannot speak for the East — agreed with the AIDA program.

The provincial governments did not agree. The money was to be available in the first part of the year. The provincial governments were blamed for not coming on side. It was said that Saskatchewan would not sign the agreement, but Saskatchewan had made their \$200 million available, had set it aside in January and February of 1999. They did not receive the agreement for signing until June.

What was the federal department doing? Why would it take the federal government that long to send out an agreement? The money of the Saskatchewan government, \$200 million, is there to be sent on a cost-sharing basis. It is not being spent because the federal government did not put their own money there.

Time is crucial for the agriculture community. We can talk about long-term programs. We can talk about what will happen in the future, but the crisis is now. It is not tomorrow. It was a month ago or six months ago. Let us deal with the crisis. Let us get that money into their hands.

We are talking about additional money. Yes, additional money is needed, but we can save a lot of family farms by spending the money that has already been committed. Why talk about the long-term program when the need is there now? Yes, there could be a long-term program. People who are not aware of the problems often ask how long this program will go on. They ask if this is a one-time shot or if it will go on forever. Perhaps it will be needed forever. If we are not prepared to provide what is needed, then we must level with the Canadian farmers and tell them to get out, that enough is enough and we will not subsidize them anymore. Let them go in dignity. Give them the money and say that that is it, but let the farmers go into other aspects of the community with some type of dignity, not while pleading and begging, not while starving, not while contemplating suicide. All those things are happening now. We must look at the facts.

We do not ask how long old-age pensions will be given out. We do not give old-age pensions for one year or two years and then cut them cut off. As a nation we agree to help support those people forever. We will support the youth and the low-income families forever, for as long as they are there. When it comes to the agriculture community, however, this extremely important part of our nation, we ask if they will be wanting more money next year.

Do we want an agricultural industry in this nation? We must decide. Let us decide if we want this industry or not. What about the marketing boards? We are in the process of giving away our

balances there on world trade. We will soon be in trouble in those industries as well. There is no question about that. Then we will not be self-sufficient in our food supply. That is the crucial aspect. If we let these western farmers go, if we let the international market take over, then it will be argued that we should also let the Quebec farmers go and the Ontario farmers go, too. Then we will be importing food in this nation.

I went across this country for years talking about soil conservation, about the destruction of the family farm because of erosion and the loss of top soil. I did that because we, as a nation, must be prepared to feed ourselves. That is what the European community is doing. They insist that they be able to feed themselves. Canada says that we can bring in products from outside, but that is not the answer. We must be able to feed ourselves.

I wish that Honourable Senator Carstairs was here. She referred to the difficulty of the AIDA forms. She was right. There were 45 or 47 pages of instructions for the 7-page form. Senator Carstairs said we should have hired students to help them fill out the forms. The Department of Agriculture did provide assistance; people went across Western Canada explaining how to fill out AIDA forms. Why did they not just make up a more simple form? No, they would rather spend thousands of dollars explaining how to handle these 47 pages.

These difficult forms were not sent out until March or April and then they were not widely available. The Department of Agriculture told me that I could get the form off the Internet. Have they never been to Saskatchewan, to a struggling farm? How many of our people at that time were on the Internet?

I could not get a form. Finally, the Department of Agriculture in my community received two forms in May. They photocopied them and made copies available to us. We are talking now about something being wrong with the agricultural industry. We are getting the message that we should get rid of those inefficient farmers. The minister says that if someone cannot make a go of it, he should get out. That is one answer, but our farmers are not inefficient. We got rid of the inefficient farmers 20 or 30 years ago. I made this statement before and I will make it again. As Senator Spivak knows, if we keep getting rid of those we consider to be inefficient, we will end up with one farmer. Then we will be saying that he is inefficient and we must get rid of him. Corporate farming will be in place with full integration, and the farmers will have lost everything.

• (1740)

In Saskatchewan, in the next 20 years, unless something happens, we will have two communities, the urban cities of Saskatoon and Regina. There will be nothing left in the rural communities. The small towns have been disappearing and they will disappear completely. What kind of province, what kind of country, would let that happen? Those are the issues we must examine.

There is talk about the Prime Minister coming to Saskatchewan and having a look for himself. He does not have to go there. We have all the people coming here to get the message across. If he flies out and puts on rubber boots for a half day, that will not tell him the story of Saskatchewan. If he comes to my farm, I will give him rubber boots to go into the cattle corrals. That is not enough. Surely the message is coming across from every source.

Today, the Leader of the Government in the Senate kept passing this message on. I am sorry he is no longer in the chamber; he may not understand the situation. There is a problem and the defence being mounted is to defend the action of no action. They keep saying, "We will do this and we will do that." In the interval, we are in a real problem.

We talk about the cooperation of the provinces. The money that the provinces agreed to give is there; we just have to get it out. The Minister of Agriculture keeps saying, "There is lots of money in NISA." That is a program into which both farmers and the government put money. The figures for August, which are the latest figures we have for NISA, show that 22,000 farmers out of our 58,000 farmers have less than \$2,700 in that account. He keeps saying, "There is lots of money there." Yes, there is \$1 billion in the account, but some of the big farmers have averages of between \$197,000 and \$300,000 in it. It does not take many big farmers to use up all that money. For those people who are going broke the money does not exist. It is not there.

As of October 20 under the AIDA program, we had 6,800 claims paid in Saskatchewan. The average payment, as was mentioned earlier, was \$10,479. The Department of Agriculture said, "There will be some big payments going out soon, and that will increase the average considerably." What good is that to the fellow who is receiving only \$10,000? It does not help one bit, because some of the big farmers are receiving well over \$100,000 out of the program. If there are a few who receive \$100,000 or more, of course that brings the average up. However, they are not the farmers we are worried about. We are worried about the 30,000 we will lose. I have used that figure now for one year. We will either lose these 30,000 farmers completely or we will lose the young farmers who are coming up to farm.

I plead with the Leader of the Government in the Senate to take this message to the government.

The program which the farm organizations thought was coming out is not the one that is there now. That is why they are not agreeing with it. We are told that some changes will be made to it. It is easy to change that program now. We can say, "Throw it out and start again." That would be all right, too, except if it takes another year. I do not want that at all. Let us make the changes and get the money into the hands of people. There is \$1 billion. Get it into the hands of people. We will then worry about additional funds as they are required. Let us help the farmers who are now in trouble.

Hon. Ron Gitter: Honourable senators, first, I wish to thank His Honour for allowing this debate to carry on this afternoon. It is an important debate. I congratulate the speakers who have entered into the debate. As one who is not that familiar with farm life, I have learned a lot this afternoon. Senator Sparrow's intervention was excellent. Many of the things I wanted to say have already been said by Senator Sparrow and others.

I speak tonight as an urbanite, but as an Albertan, for whom the issues are somewhat different. As Senator Andreychuk said earlier, it must be understood that what may be good for the province of Ontario is not necessarily good for the provinces of Alberta or Saskatchewan. The economic circumstances and demographics are different. The people are different. The closeness to markets are different, and so on. As a result, you cannot say that what is good for Canada, with the numbers we have heard today, will necessarily strike a chord in Saskatchewan or Manitoba where they do not have the resources, the population or the economy and strength that we have in Alberta to assist the farmers in what they are doing.

One could play with numbers forever in the discussion today. I do not intend to do that. We have all seen them. There are certain fundamental questions that must be answered if we are to come to any positive assistance in this area.

The first question, which is a difficult one, is: Is there really a place for the family farm? Everyone in this chamber may say, "Of course there is!" However, there are areas in Canada, and in Alberta in particular, which may well suggest that the day of the family farm is coming to an end. It is easy to romanticize about the family farm. It is easy to speak in terms of the community feeling. Senators Tkachuk, Spivak and Sparrow talked about the importance of the family farm to our communities. They spoke about the feeling it engenders in people. They talked about the feeling of community and closeness that you do not get in the city. They talked about the basic fabric and culture that is created for our country, which is so significant.

Senator Spivak said that the family farm is to Alberta and the Prairies what language may well be to the province of Quebec. She said that the family farm may be what the forests represent to the province of British Columbia and what the fisheries represent to Atlantic Canadians. She is exactly right in her comparisons. It strikes at the very fibre of the existence and the perpetuation of all that is important to those of us who come from the Prairies.

When someone asks: "Is there a place for the family farm, when there is globalization, larger companies, and rationalization?", I, for one, say, "Yes, there is a very important place for the family farm." The family farm is the fibre of this nation. It is so important that we cannot let it slip away to lose what is so significant and deeply embedded in our society and our nation.

If we accept that it is important to maintain the rural communities of this country, and whatever the family farm might mean to different people, then there is one thing that they must have. Like any business, and it does not matter if it is in the fisheries or in the oil and gas industry, there is one thing that is needed to survive in business. Any business person will tell you that that one thing is stability. If you do not have stability, predictability or a sense of planning so that you can anticipate what will go on next year, then you will always be struggling. You will always be wondering and running to the bank pleading for assistance. You will always seem to have your hand out because you will never have stability.

In the years that I have been around in political life I do not think that farmers have had any stability. There have been programs in Alberta, as Senator Taylor stated, that have worked. There was an assured base and a safety net to which farmers had access to overcome bad weather and all the things with which farmers must deal. However, they have never enjoyed a sense of stability that has allowed them to plan and to continue to provide us with the products that are so important and dear to us.

Some of the speakers today spoke in terms of getting into the jurisdictional issue again. The Leader of the Government in the Senate said, "The provinces are involved." We have heard that so often. We are told, "It is their fault." I could recite to honourable senators from a list I have, which representatives from the Province of Manitoba read when they made their presentation to the House of Commons Standing Committee on Agriculture and Agri-Food. It goes on for two pages about the federal government programs that have been withdrawn and the amount of money that has been withdrawn from agriculture, and then I hear today that the provinces are withdrawing some money.

• (1750)

The poor little Province of Saskatchewan is withdrawing money from agricultural aid. The Province of Saskatchewan does not have the money to provide agricultural aid, so today the federal government says, "You were supposed to come up with 40 per cent of the aid program, but you did not do it, so the federal government does not have to do anything." That is a cop-out. That is not acceptable. It is not acceptable for federal or provincial political leaders to say that it is not their responsibility. It is everyone's responsibility.

While we are throwing around a few dollars here and there, farm life in this country is diminishing and the crisis continues. More and more farms are being foreclosed, more and more farms are going out of business, and young people are leaving. All the things we heard about today are real and vital. They speak to what is happening in our country today. People are nibbling at the issue, not dealing with it. Our political leaders are passing the buck, and no one is coming forward with a program to provide the farmers with a sense of stability so that they can do their job, because we will need them in the long run. They will be vital to this country in terms of self-reliance, independence and all of the things we will need.

Honourable senators, we need a government that will stand forward and not send the premiers packing back to Saskatchewan and Manitoba with an empty basket. They do not want figures they have never seen before. They do not want to be told that instead of minus \$48 million, there are \$20 million. They do not want to get into a war of numbers. That will not solve anything. We need a government that steps forward with a long-term plan to provide stability while working with the provinces.

Honourable senators, this is not new. This is not something that just happened yesterday. I remember the same kind of discussions and the same type of feeling back in the 1970s when I was in government in Alberta. The general feeling was that it was the federal government's fault or it was this person's fault. While all of this is happening, there are fewer and fewer farmers. The problems have been exacerbated, and now we are really in a crisis. I am of the view that we have a serious situation in rural Canada, particularly on the Prairies. It is not good enough for the Prime Minister to send the premiers back home and say, "Do not worry, because we will decide what the numbers will be in another committee." It may be too late for that.

We need something as a stopgap until we get to these longer-term plans. Sadly, I do not see that happening. I see a passing of the buck and a battle of the numbers. I do not see people coming forward and saying, "What do we have to do to make ourselves whole and bring stability to this industry?" If it is important enough to do, then we should do it.

Yesterday, Mr. Martin did not even comment on the farm situation when he was talking in terms of the financial projections and what to do with this so-called surplus. He talked in terms of aid for children, and so on, all of which is laudatory, but within that package there are children in families in rural Alberta and rural Canada. What about them? Why are we not talking about agriculture? Why are we always passing the buck and not doing anything about it?

Honourable senators, it is time for stability. The farmers deserve that. If we believe in the significance and the importance of our rural community, then we must do something about it. It is time that the rhetoric stopped. It is time that the leadership started. It is time to provide a measure of stability to rural Canada.

Hon. Joyce Fairbairn: Honourable senators, I, too, wish to thank His Honour for agreeing that this was an appropriate subject for emergency debate and thank my friend Senator Gustafson for bringing it forward.

I agree with much of what has been said. This is not a debate about statistics. This is not a debate about blame. This is a debate about people. It is about the hardships of today in terms of individuals, in terms of families and children, and in terms of the prospects for tomorrow. There are prospects for tomorrow in terms of stability in our agriculture and opportunities in world trade.

I have listened to all of the speakers. Every one of them has, with varying degrees of vigour, stated the issue and the factors that bring us here this afternoon to talk about our farmers. In particular, I listened with understanding to Senator Gustafson. It is not the first time I have listened to Senator Gustafson by any means. I have the privilege of being on the Senate Agriculture Committee which he chairs with great ability and heart.

For those who do not understand the politics of the Senate, it is a place where people with differing political points of view can respect each other and form lasting friendships. They also can and do share deep concerns about issues affecting the lives and the well-being of citizens wherever they live in this country. That, perhaps, is one of the most unknown strengths of the Senate of Canada.

No one, honourable senators, who comes from Western Canada, in particular the major agricultural areas of that region, can fail to hear, to see and to understand the pain and the insecurity of farm communities and farm families, of small rural towns and those who do business in them in the hard times, be they extremes of weather, of floods, of droughts, of disease, or the pressures of international trade which cause Canadian farmers to see the price for the best products in the world drop continuously in the face of massive subsidization in other nations.

We have heard the evidence and the stories from every area of this industry in our Agriculture Committee as we prepared a report for the government on messages Canada should carry forward to the upcoming world trade talks in Seattle. Our report, "The Way Ahead: Canadian Agriculture's Priorities in the Millennium Round," contains strong recommendations for the upcoming talks that begin later this month.

Even more important, though, is that each of us has heard about the hardships and the opportunities on the ground in the West — not in committee rooms here in Ottawa, but in our home areas and in our provinces. We have listened to the voices. We have looked into the eyes and the faces of those who are in serious trouble through forces well beyond their control. These past few months, I have visited all the Western provinces. I have heard and talked with a wide variety of farmers — sometimes with colleagues, often on my own in my area of southwestern Alberta. There is no question that in Saskatchewan we heard a great deal about the ravages of rain on farms in southeastern parts of that province and in southwestern parts of Manitoba. I have spoken with farmers who twice tried to seed their land, only to have it all washed away. They are in very hard times in terms of income. There will be no crop, and they cannot find jobs. Some of us here in this comfortable chamber do not realize that because they own their land, whether or not it is producing a single blade of grass, they do not qualify for welfare, and they are worried about their ability to feed their families.

We heard from some of them last week, as colleagues from both sides of this chamber met with members of the delegation

that came to Ottawa from Saskatchewan and Manitoba seeking transitional funding for farmers during the next few years, the period where perhaps sanity will come, at least in small measure, through the trade talks and through a spirit, hopefully, of understanding and goodwill.

• (1800)

We heard about the Agricultural Income Disaster Assistance program and how it was not working in the manner intended by the federal government and its partners in the provincial governments.

I should like to put some names and some faces to the people who came here last week. This was only a part of the delegation. We heard from Leon Lueke, of the Saskatchewan Pork Producers; Alfred Wagner, of the Pro-West Rally Group; Noreen Johns, a passionate woman, deeply troubled, from the Saskatchewan Women's Agricultural Network; Don Dewar, from Keystone Agricultural Producers; George Groeneveld, from Agricore; Wayne Motherall, from the Association of Manitoba Municipalities, which usually stays out of these kinds of issues, but since the small towns are hurting, the big ones are coming to help. We talked to Clay Serby, Minister of Municipal Affairs, Culture and Housing from Saskatchewan; to Duane Lingenfelter, the Deputy Premier and Minister of Agriculture; and to Ms Donna Harpauer, MLA, of the Saskatchewan Party. From Manitoba, we talked to the leader of the Liberal Party, Dr. Jon Gerrard, who is an old friend from his period of time when he served as a member of Parliament in the House of Commons.

Clearly, we who must speak on behalf of that region in this house should not focus entirely on the statistical warfare that erupted from the discussions that took place last week. We should not let ourselves be distracted from what truly is the main event, which is to make the maximum effort possible to help the farmers in difficult circumstances. I believe, honourable senators, that we will have a response, and we will have it very soon, to amend existing programs, to get money out, to listen to the farmers who said that \$900 million was great except it did not come fast enough and it did not go out in a way that did the most good. We must respond to that, honourable senators, and I have every confidence that we will. I believe that there will be adjustments and changes and commitments to make the programs work.

Much has been said today about the question of whether anyone cares. We must ask ourselves, has this country become so insensitive to its history and its present that we can ignore what is happening, not in the mainstream, not on television every night, not in our big urban centres, but across some of the most incredible reaches of our country that we would trade for nothing in the world? It is for that reason that we can never give up on our farm community. We do care. In today's world, we know that agriculture is one of the most volatile of all industries and that there is an urgency.

As I said, the government and the Minister of Agriculture will be responding with changes very quickly because, honourable senators, we do not want to lose that way of life as it has been described today. We want to secure it. We want to expand the opportunities for our farmers, not for multinational companies. We want to strengthen the connecting links between our rural communities because they are indeed the heart and soul of our regions and of our country.

I come from a wonderful little city called Lethbridge. I love it dearly, but I also love those little towns around it in the agricultural area that bring prosperity and strength to this small city in my province — towns like Coaldale, Picture Butte, Stirling, Taber, Warner, Raymond, Magrath, Cardston, Stand Off on the Blood Reserve, and our historic Fort Macleod, which contains so much of the history of the RCMP, and up into the mountain passes, through Pincher Creek, and Brocket on the Peigan Reserve. Those are the places of agricultural strength in the land from which I come and where my grandfather and grandmother were pioneers.

It is useful to reflect sometimes on what Canada was like out there at the beginning of this century. There were no big buildings and factories. There were farms and there were people who came from every part of the world in tiny, brave groups. My own maternal family came up from the dust bowl of Iowa to find something better, and they settled, Senator Gustafson, around North Battleford, Saskatchewan, which is where my mother was born. That is what gave our country its foundation. Today, a century later, we are communicating through technology, through computers, but when it comes right down to it, across those distances, what the folks in those small towns really want is to see and talk to and listen to another human being. That is one thing that anyone who serves in a legislative chamber in any part of this country forgets at his or her peril. We forget it at the peril of the unity of our nation. People want to have the human connection. With all the glory that technology brings, it does not replace the human connection.

Therefore, as I said at the beginning, honourable senators, this debate this evening has indeed been about people. Despite the skepticism of some of my friends opposite and some of my colleagues on this side, I do believe that people remain the prime consideration and the priority of this government and this Prime Minister. It will respond and he will respond.

The Hon. the Speaker: Honourable senators, before we hear the Honourable Senator Gustafson, the rules are silent on the matter of six o'clock during an emergency debate. Nevertheless, I felt that it would be the wish of the Senate that I not see the clock, so I did not interrupt the Honourable Senator Fairbairn. I presume it is your pleasure that I not see the clock.

Hon. Senators: Agreed.

Senator Gustafson: Honourable senators, I will not be long. I first wish to thank His Honour for permitting this debate. I think it was an admirable decision. I also wish to thank senators on the both sides of the house. This is a day when I am proud of

the Senate because I think we are beginning to do the work that should be done in this place.

We have a very serious problem in our agricultural community and it has been recognized by speakers on both sides of the house. There have been misunderstandings, but those who sat on our Agriculture Committee will know — and I will go so far as to say — that the government was not completely to blame in bringing in the AIDA program. I stand to be corrected, but it was really fashioned by the Federation of Agriculture. It was done on the spur of the moment to deal with the hog situation. Hogs were selling at Torquay, Saskatchewan, for \$10 apiece. Mr. Marcotte placed an ad in the paper stating that, if you could, come and buy a hog for \$10. The result was that the hog producer who had high prices and then met the 70 per cent average over three years received a payment. However, it did not work for the rest of Canada and it did not work for the farmers producing grain. That program did not work at all; therefore, it must be changed.

• (1810)

Honourable senators, Saskatchewan does not have the tax base to meet a 40-60 split. I will be very frank. Alberta has the money to meet that commitment. They could even pay more. Alberta farmers will get more, but what happens in Saskatchewan?

Additionally, there was talk about the provincial government being negligent. They were. They balanced their books on the backs of the farmers. They took our GRIP payment. Alberta received \$58,000 per farmer in the last year in which the GRIP was paid. Manitoba received \$43,000, and I received a bill for \$320 on my farm. Anyone who says that would not have some impact is wrong.

We are now talking about the mistakes of the past, and we cannot let that happen again. Agriculture is an important industry to Canada. My grandfather came to Saskatchewan in 1905. He mentioned to us many times that he was proud that he could pay his taxes in the 1930s. There is a tax revolt out there today but, as the reeve of the Municipality of Wellington said, it is not because the farmers do not want to pay their taxes. They simply do not have the money to pay them.

We must make some decisions and, as Senator Sparrow said, those decisions must be made quickly because seeding comes early. When we talk to farmers and the farm groups, what do they say? They ask what they should do next. The question is how many farmers will be able to seed a crop? That is a very disheartening thing.

I saw my neighbour, a young farmer, harvest a beautiful crop of rye. He told me that the best price he could get was 78 cents a bushel. That barely paid for the fuel to take the crop off.

That scenario can be repeated again and again. There are farmers who have crops that are frozen. They are getting 88 cents for frozen wheat. Farmers are getting \$2.05 a bushel for durum wheat, while their American counterparts are guaranteed \$5.50 a bushel. How will they survive?

Will the Americans and Europeans eliminate their subsidies. No, they will not. I am not even sure they should. One of the major problems in the world today is that the countries that need the food have no money.

At one time, Canada had boats filled with wheat leaving from Vancouver heading for Russia, and the wheat was never even ordered. Those boats were just sent off, and the wheat was automatically purchased by the Russians. However, Russia is broke today. The Russian government has no money to buy wheat. The agriculture minister from Russia appeared before the Senate committee and told us exactly that.

I could name other countries. The problem is global. At the meetings in Seattle, which begin on November 29 and continue until December 4, I hope that a measure of common sense will be applied to this global problem.

More important, the Government of Canada and we in the Parliament of Canada must deal with this major global problem. We all know of countries that cannot afford to buy the food but would gladly eat it if they had that food. This is a major problem. It is a sad day when we have the ability and the machinery to produce like we have never been able to produce, but we do not have enough common political sense to feed a world that is hungry. No one has been able to figure that out.

A number of senators presented cost figures. Take rye, for example. I profess to be a teetotaler, but look at the money in taxation that is made out of rye whiskey — 79 cents a bushel. Barley and wheat are other examples. Is this important to Canada? I say it is important.

I commend the senators here today. Each of us has a job to do. I am not here to discourage the government. I am here to encourage them to do the right thing for an industry that is important to Canada. We must and we will build a better Canada.

In closing, honourable senators, I give notice that tomorrow, Thursday, November 4, 1999, I will move:

That the Senate recommend to the Government of Canada that it pay \$1.3 billion immediately to western farmers, as

requested by the western premiers. This payment should be made through the Canadian Wheat Board in the form of an acreage payment.

The Hon. the Speaker: Honourable Senator Gustafson, I regret to inform you that I am unable to accept the notice of motion at this point, unless there is unanimous consent.

Hon. Eymard G. Corbin: Have we not suspended the sitting? This is a special debate, which does not entail any motion.

The Hon. the Speaker: I cannot accept a notice of motion unless Senator Gustafson requests unanimous consent.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): We have asked for leave.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I believe that we should reflect upon some considerations. First, the motion for which Senator Gustafson wishes give notice involves the expenditure of money, and I am wondering if that is appropriate.

Senator Gustafson: It is a recommendation.

Senator Hays: In addition, my understanding is that with the emergency debate, there is a motion of adjournment, and that when the Honourable Senator Gustafson takes his place, the matter is adjourned. Therefore, I would question the order of giving a notice of motion in the course of an emergency debate.

Senator Kinsella: Are you denying leave?

Senator Hays: Yes.

The Hon. the Speaker: The notice of motion is not accepted.

Honourable senators, it was moved by the Honourable Senator Gustafson, seconded by the Honourable Senator Cohen, that the Senate do now adjourn. Under rule 61(3)(a), the motion is deemed adopted. Therefore, I leave the Chair to return at two o'clock tomorrow.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, November 4, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, November 4, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE ANTHONY GUSTAVE VINCENT

TRIBUTE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I learned only yesterday of the death of former ambassador Anthony Vincent. I know that many honourable senators knew him.

Mr. Vincent was born in England. He finished his education in the United States and joined Canada's department of external affairs, as it was known then, as a diplomat. He had a distinguished career which took him across the world, including most recently to Spain and Andorra where he served as our ambassador. He also served as our high commissioner to Bangladesh and as our ambassador to Burma. He served in the missions of Canada in The Hague and New Delhi.

However, it was during his time as ambassador to Peru that he became a hero. In 1996, Mr. Vincent played a major role in the hostage situation at the residence of the Japanese ambassador in Lima. We believe his actions saved countless lives. He was awarded the Governor General's Meritorious Service Medal for his extraordinary contribution to the resolution of that crisis. He was a gracious and modest hero and an admired servant of Canada. He exemplified Canada's role as an important contributor to a more stable and better world.

Honourable senators, I wish to join the Right Honourable Prime Minister and the Minister of Foreign Affairs in offering condolences to Mr. Vincent's family, in particular to his wife, Lucie, and daughter, Alexandra.

• (1410)

WORLD WAR II

FIFTY-FIFTH ANNIVERSARY OF THE BATTLE OF THE GULF OF ST. LAWRENCE

Hon. J. Michael Forrestall: Honourable senators, I should like to pay tribute today to all Canadians, those living and those who have left this earth, for their service to our great nation through the profession of arms. Additionally, I want to say a very

special thank you to those Canadians now serving abroad on peacekeeping missions.

This afternoon I should like to speak specifically about the Battle of the Gulf of St. Lawrence, that scenic expanse of ocean that blesses the shores of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador. It is an interior Canadian waterway now, and many Canadians might think that it has always been so, but in 1942, it belonged to the Nazi Germany U-boat service.

This morning, through the auspices of our gracious Speaker, we had a ceremony in this chamber, a ceremony of remembrance, commemorating the Battle of the Gulf of St. Lawrence, 1942 to 1944. For the purists, of course, only two boats were lost after 1942, both in 1944 — thus, it is the fifty-fifth anniversary — but to most of us who perhaps know naval history better, the battle of the gulf was, in fact, in 1942.

Honourable senators, the ceremony this morning, presided over by Her Excellency the Governor General, was fitting and warm, and we had amongst us a large number of Canadian merchant seamen who fought in those waters to defend our country.

The German U-boats found the convoys crossing the Atlantic to be relatively well-guarded in 1942, with the American entrance into the war, and decided to prey upon coastal waterways of North America in search of easier prey during what the U-boat crews termed the "American Hunting Season" or the "Happy Times."

Honourable senators, the U-boats sank 2.5 million tonnes of shipping in six months along the North American coast. The first seven months of 1942 almost cost the allies the war. It is said that the U-boats had so many targets that they went home simply because they had run out of torpedoes. While the Battle of the Atlantic raged on the high seas, the U-boats slipped into the Gulf of St. Lawrence, often in sight of land, and searched for unescorted merchant ships.

In May of 1942, the battle of the gulf began. The German U-boat U-553 was actually spotted off Cape Ray on her first gulf patrol. In the next five months, 21 ships were to be sunk and an estimated 200 mariners killed. In 1944, two more Canadian warships were lost, and an estimated 91 people killed. The first victim was the steamer *Nicoya* — the first ship sunk in inland Canadian waters, I might add, by hostile forces since the War of 1812. Sadly, she was not the last. Among the many others, the *HMCS Raccon*, an armed yacht, was lost to U-boat 165 on September 6, 1942, and the Corvette *HMCS Charlottetown* was sunk by U-517 only five days later. Then on October 14, tragedy struck the ferry *Caribou*, which of course was the ferry linkage between mainland Canada and Newfoundland.

The Hon. the Speaker: Senator Forrestall, I regret to have to interrupt you, but your three-minute period for statements has expired.

Senator Forrestall: I am sure honourable senators understand that it is Canadians we are appreciating here today.

SUPREME COURT

APPOINTMENT OF THE HONOURABLE BEVERLEY MCLACHLIN AS CHIEF JUSTICE

Hon. Joan Fraser: Honourable senators, I rise to speak of the announcement yesterday that the next chief justice of the Supreme Court of Canada will be Madam Justice Beverley McLachlin.

I think Canadians all across this land were delighted to hear the news, but I think that women were particularly exhilarated — the word is not too strong — to learn of her nomination. She is the first woman to be the chief justice of our Supreme Court. What was exhilarating was that she was not named because she was a woman; she was named because of her excellence.

Hon. Senators: Hear, hear!

Senator Fraser: She is the quintessential Canadian. How much more Canadian could you possibly be than to have been born in Pincher Creek, Alberta? She was called to the bar of Alberta in 1969 and she has done just about everything there is to do in the Canadian legal system. She practised law in private practice from 1969 until 1975. She was a law professor at the University of British Columbia from 1974 to 1981, and then she started on the very bottom rung of the court system, at the County Court of Vancouver in 1981. She did not stay on the bottom rung for very long. That same year, she started climbing; she went to the Supreme Court of British Columbia. Then, in 1985, she went to the Court of Appeal of British Columbia, a court of which she was named chief justice in 1988. Then, 10 years ago, in 1989, she was called to the Supreme Court of Canada by Prime Minister Mulroney — one of his better decisions, I dare say.

Madam Justice McLachlin has proved refreshingly difficult to label. It has not been possible for even intensely ideological commentators to classify her as belonging to one or the other judicial school since the announcement yesterday. Everyone has simply had to say that this is a judge of first-class calibre, of wonderful mind and of independent spirit, who does not naturally fit into any tidy boxes.

One of the most interesting commentaries came from the President of the Canadian Bar Association, who said, "She has a Canadian willingness to just do it, to break it down into bite-sized pieces and get on with it."

Although I am not a lawyer, I have had to spend a fair amount of time reading judicial decisions over the years, and I must say that, as a former journalist, I am also exhilarated to see that we

have a chief justice who carries on in the fine tradition of good, clear, plain judicial writing. It is important for the citizens of this country to be able to understand what their Supreme Court tells them, and when Madam Justice McLachlin writes, there is no doubt that you understand what she is saying and why.

[Translation]

She also said something recently to the Canadian Bar Association:

Parliament, with its superior fact-finding tools and access to opinions and information, is the most appropriate forum for decision-making of a political nature, using political in its most noble sense.

[English]

This is important, I am sure. We will watch her with fascination, and we welcome her appointment and congratulate her.

REMEMBRANCE DAY

Hon. Norman K. Atkins: Honourable senators, as you know, next week's November 11 ceremonies will honour our veterans and military personnel. We all hope that Canada — and indeed the world — will see a time of relative peace and freedom throughout the next century.

Today, I want to honour those Canadians who have made sacrifices in the name of freedom. Our Canadian military personnel have protected this great nation through the ages, through many wars and peacekeeping and peacemaking missions. They have fulfilled, and continue to fulfil, their portion of the contract of unlimited liability with the Canadian people since the dawn of this nation, and they must be remembered and honoured for their valiant service to Canada.

I have my own connection with the First World War. My father served with the Canadian Expeditionary Force, the 46th Queen's Battery, in the much hallowed Battle of Vimy Ridge on April 9, 1917. It was a battle that signalled Canada's coming of age as a nation, and at one time you could not find many families in Canada that did not have an attachment to that battle.

• (1420)

Additionally, at Acadia University, where I went to school, there is a residence on the campus, Willett House, that contains the Milton Gregg Lounge, named after one of Canada's most famous and indeed bravest of soldiers. The late Milton Gregg was one of 19 Canadian winners of the Victoria Cross, which he won at Cambrai, France, during the week of September 28 to October 1, 1918. He was a much respected New Brunswicker, a former president of the University of New Brunswick, a federal minister of fisheries and a student at Acadia who was also a classmate of my father.

It is sad to say that there are too few veterans of World War I, World War II and the Korean War still with us today. As of March of this year, Veterans Affairs estimates that there are only 669 veterans of the First World War, 390,230 veterans of the Second World War, and 17,783 veterans of the Korean War. It is incumbent upon us to honour these Canadians so that their sacrifices and great deeds will remain in the Canadian memory forever.

I want to turn for a moment to the men and women of the Canadian Forces who bravely serve today, whether here at home or overseas, on peacekeeping operations. Too often, we forget to show appreciation and gratitude to the brave military personnel on active duty. They have earned our respect and time again, and we must find ways to show them that we care.

Honourable senators, to all those Canadians living and to those who have passed on, we give our eternal thanks and remembrance.

Hon. Calvin Woodrow Ruck: Honourable senators, I, too, rise to speak with respect to Remembrance Day. Once again, as we prepare to observe this event in Canadian history, the remembrance of two world wars and the Korean conflict, I am mindful of the fact that members of both the black community and the aboriginal community also served their country in those wars. I humbly request that, as you observe Remembrance Day, you bear in mind that we, the minority element in the community, also served our country, and we look forward to serving our country in many respects as time marches on. We are prepared for any eventuality in terms of preserving the democratic principles that this country expounds.

THE LATE GREG MOORE

TRIBUTE

Hon. Gerry St. Germain: Honourable senators, I rise today to pay tribute to the loss of a great Canadian, Greg Moore. I had the honour of representing the riding of Mission—Port Moody, the home of Terry Fox, one of our great Canadian heroes, and the area of Maple Ridge, the home of many fine athletes — for example, Cam Neely, a hockey great; Larry Walker and Greg Moore.

On October 31, on a race track in California, a horrific accident took place. I think most of us saw on television that tragic accident in which we lost this great young athlete, Greg Moore, who was only 24 years old.

Greg started his racing career on his father's dealership lot, which is Maple Ridge Chrysler, on the Lougheed highway. It was located in the area that I represented. I often drove down that road, because my office was located there when I was a member of Parliament and a cabinet minister in the other place. I saw this young man, in his early years, driving his go-karts, and so on, around the dealership. I also knew his father and other members of his family. Greg came to prominence at an early age, racing with such great people as the Villeneuves, the Fittipaldis, Andrettis and Paul Tracys of this world. He made his mark. To

many of us, he was a hero. He was a hero to many young Canadians. He was not only a congenial, nice young person, but he was also a young man who was always prepared to make appearances at schools for safety programs and other things relating to driving and the profession that he had chosen.

I should like to offer to his family and all his friends — and, I am sure that all of you do, too — our deepest sympathy and condolences on the loss of this great Canadian.

REMEMBRANCE DAY

Hon. Bill Rompkey: Honourable senators, I wish to join my colleagues who have already alluded to the coming of November 11 and all that that means for us, when we celebrate not simply a particular armistice day, but recall all those who fought and died for Canada and for other countries. My country was not part of Canada during World War I and World War II, but we raised our regiments, and many of our young people served in the Royal Navy and in the Merchant Navy.

As Senator Forrestall and others have alluded to, this morning in this chamber there was a moving ceremony with regard to the Merchant Navy. I wish that more of my colleagues had been here. If they had been here, they would not have left this chamber dry eyed, I can assure them of that. I want to thank His Honour for his efforts in having this place used as a venue for the ceremony, and for taking part in it. I hope we can do this every year in remembrance of the Merchant Navy.

If you had been campaigning in Newfoundland, particularly rural Newfoundland, as I have been, you would have seen on various walls any number of the following list of pictures: Joey Smallwood, the Pope, the Queen, John Kennedy, and a picture of the *Caribou*. The *Caribou* was our link to Canada before we became Canadians. She was the vessel that linked us to North Sydney. She went down during the Second World War. Many of my people died on that ship. She became a significant symbol of the Merchant Navy and a symbol of those who were commandeered and those who went willingly to do their bit for the war effort, even though they were not in uniform. The ceremony this morning acknowledged and celebrated them, and witnessed their contribution to the war effort.

Honourable senators, I hope that we will all take the opportunity on November 11 to participate in our regions to commemorate those who fought and died to make this country what it is today.

WORLD WAR II

FIFTY-FIFTH ANNIVERSARY OF THE BATTLE OF THE GULF OF ST. LAWRENCE

Hon. Mabel M. DeWare: Honourable senators, as my colleague has just referred to, this morning, at eleven o'clock, we were all invited by His Honour to attend a ceremony, held in this room, commemorating the fifty-fifth anniversary of the Battle of the Gulf of St. Lawrence.

To give you an idea of the importance and the impact of that historic battle, I should like to share with you the words of the Honourable George Baker, who took part in the ceremony. He said:

This year, we commemorate a little known phase of the Second World War that took place right inside Canada. It is an incredible tale of the men and women who defended our shores, seas and skies in the Gulf of St. Lawrence between 1942 and 1944. Many, including members of the Royal Canadian Navy, the Royal Canadian Air Force, Canadian and Newfoundland Merchant Marine, Allied service personnel, and Nursing Sisters, lost their lives doing so.

Fifty-five years later, it is with pride and gratitude that we salute those defenders and their fallen comrades. They fought valiantly for peace and freedom. They died protecting their home and native land from direct attack. Innocent civilians perished with them. Many were denied a known and honoured grave by the fortunes, and misfortunes, of the war.

• (1430)

Mr. Baker also reminded us that:

We have a duty, not only to remember, but also to pass along this story to future generations.

Honourable senators, we do indeed have that duty. Today's ceremony represented one of the ways in which we can honour veterans who fought in the Battle of the Gulf of St. Lawrence for, this morning, in this very chamber, a commemorative distinction was proclaimed. Our Governor General, Adrienne Clarkson, was here. She joined the veterans of the Battle of the Gulf, men and women who were among those who made sacrifices. There were also families and friends of those who lost their lives.

My heart was warmed when I looked to the gallery and saw hundreds of school children there. Behind us were sea cadets, air cadets and army cadets. They, too, came to remember and to be part of this very special ceremony. Our young people are the ones who must carry this legacy of our veterans into the future, lest we forget.

It is up to the older generations of our society to encourage the newer generations to remember. As members of Parliament, as Canadians who may have personal memories of the Second World War, and as those who have lost friends and relatives, we have an added duty in this regard. One way we can discharge that duty is by being present at such occasions as this morning's ceremony of remembrance.

I hate to add but I must; I felt a little ashamed this morning to note that only 15 senators were present in the chamber. The veterans and the children looked down at some 80 empty seats.

LUCY MAUD MONTGOMERY

NAMED AMONG THE TOP TWENTY CANADIAN HEROES
OF THE TWENTIETH CENTURY

Hon. Catherine S. Callbeck: Honourable senators, over 90 years ago, when *Anne of Green Gables* was first published, few thought it would turn out to be one of the most beloved works of fiction in Canada's proud literary history, but there is no question that Anne is part of our nation's cultural fabric. She transcends generations and boundaries in this country and around the world. It is amazing to think that today, almost a century after Anne was first published, young people can still look to her character as a positive role model. *Anne of Green Gables* was, of course, the work of Islander Lucy Maud Montgomery, a woman who also gave us many other fascinating works during her literary career, including the novels on which the current television series *Emily of New Moon* is based.

Recently, a project sponsored by the Dominion Institute and the Council for Canadians saw Lucy Maud Montgomery named one of Canada's top 20 heroes in the last century. L.M. Montgomery shares this spotlight with a number of remarkable Canadians: Terry Fox, Dr. Frederick Banting, Nellie McClung and Sir John A. Macdonald, to name just a few.

What an outstanding tribute to this celebrated Islander and how proud I am that Montgomery ranks so highly in the minds of Canadians. The works of L.M. Montgomery paint a picture of Prince Edward Island as a place where dreams can come true, where the pastoral beauty of the province has a deep and profound impact on those who are fortunate enough to live there. As Islanders we know this to be true and, through Montgomery's writings, others can discover it as well. L.M. Montgomery is a literary treasure, and Prince Edward Islanders are proud that she is one of them. Now we know other Canadians are proud as well.

[Translation]

SUPREME COURT

APPOINTMENT OF THE HONOURABLE BEVERLEY MCLACHLIN
AS CHIEF JUSTICE

Hon. Gérald-A. Beaudoin: Honourable senators, I wish to congratulate Honourable Justice Beverley McLachlin on her appointment to the position of Chief Justice of the Supreme Court of Canada.

I am delighted with the news of this appointment, which is to take effect on January 7, 2000. As honourable senators are aware, this is the first time a woman has achieved this highly prestigious position within the Canadian constitutional system.

Madam Justice McLachlin is an excellent jurist, who has risen through the ranks to this highest rank of Chief Justice. After teaching law and working in private practice, she was appointed successively to the Supreme Court of British Columbia, and the BC Court of Appeal, then returning to the BC Supreme Court as its Chief Justice. She was appointed to the Supreme Court of Canada in March 1989 at the age of 46.

She has left her mark in a number of areas of law. Among these, she particularly excelled in cases dealing with freedom of expression, legal guarantees, and equality rights. We are fully aware of the great importance the Canadian Charter of Rights and Freedoms occupies in our lives and of the enhanced role of our court of last resort.

Justice McLachlin was also awarded honorary degrees from the University of British Columbia in 1990, the University of Alberta in 1990, and the University of Toronto in 1995.

I wish her every success, a success that is well earned, as she attains the summit of judiciary power and contributes to the edification of the cathedral of Canadian jurisprudence.

LE COLLÈGE DE TECHNOLOGIE AGRICOLE ET ALIMENTAIRE D'ALFRED

POSSIBLE CLOSING BY ONTARIO GOVERNMENT

Hon. Jean-Robert Gauthier: Honourable senators, living in French in Mike Harris' Ontario is not easy.

The Montfort Hospital case is still before the courts. We have been waiting for five months for a decision on the fate of this Ontario francophone health institution.

And now the Harris government is preparing to eliminate another francophone institution, but this time in the area of education. It will be the Collège d'Alfred, the only college in Ontario offering training in agri-food sciences in French.

The Harris government is again provoking its francophone minority, which will fight to save this institution it took the community 50 years to build.

The francophones of Ontario have the right to exist, live and work in their language. Eastern Ontario has a large agri-food industry, which must be protected at all cost, and that includes keeping the Collège d'Alfred.

Once again, Mr. Harris and his government will have to be dragged before the courts to ensure justice is done. It is bloody hard and tiring work!

[English]

ROUTINE PROCEEDINGS

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 16, 1999 at 2 p.m.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

NATIONAL DEFENCE ACT DNA IDENTIFICATION ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Dan Hays (Deputy Leader of the Government) presented Bill S-10, to amend the National Defence Act, the DNA Identification Act and the Criminal Code.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Hays, bill placed on Orders of the Day for second reading on Tuesday, November 16, 1999.

● (1440)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Raymond J. Perrault: Honourable senators, I have the honour to reintroduce a bill from the previous session, Bill S-11, to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Perrault, bill placed on Orders of the Day for second reading on Tuesday, November 16, 1999.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

CANADIAN DELEGATION TO SUBCOMMITTEE MEETING ON
FUTURE OF ARMED FORCES HELD IN ANKARA AND
ISTANBUL, TURKEY—REPORT TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the second report on the Canadian NATO Parliamentary Association. It is by the Canadian delegation that represented Canada at the meeting of the Subcommittee on the Future of the Armed Forces, held in Ankara and Istanbul, Turkey, June 27 to 30, 1999.

[Translation]

PRESENT STATE AND FUTURE OF ABORIGINAL PEOPLES

NOTICE OF INQUIRY

Hon. Aurélien Gill: Honourable senators, I give notice that on Wednesday, November 17, 1999, I will call the attention of the Senate to the situation of aboriginal peoples, to enable us to take stock and consider appropriate measures for the future.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. As he and all of us well know, the Sea Kings have been inoperable in the last week or so. Neither the ship-borne Sea King nor the one from Shearwater was available to come to the aid of a critically ill seaman, as we noted earlier this week. Another Sea King had problems with its hydraulic system this week. We know that to border on the catastrophic, particularly if you are in the air.

I have before me a briefing note to the Minister of National Defence dated September 24, 1998. It indicates that the lead time for replacement of the Sea King fleet is eight years and that the life expectancy of the Sea King is 2005. This leaves a three-year gap.

Honourable senators, when will the government initiate this project? If the government initiates it today, the fleet will be in place eight years from now. What options does the government have under consideration to fill this three-year gap? Perhaps the government could look at a means of putting helicopters on board the ships more quickly. After all, we know the requirement for the role of the replacement, and we know that the replacement was ready to be initiated by the government in 1993 before the government cancelled the EH-101 program.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the Honourable Senator Forrestall for his question and his obvious concern with respect to the operation of the Sea King helicopters. As I indicated to senators some days ago, the replacement for the Sea King helicopter remains a priority for the government and, indeed, remains at the top of the priority list of the current minister.

I believe the current fleet of helicopters — the CH-124 Sea Kings — was delivered to the Canadian forces in 1963. The expectation was, and continues to be, that the Sea Kings will fly

until the year 2005. There have been incidents. Issues of maintenance have arisen. Of the original 41 helicopters, I believe 30 are still in operation. In fact, it is felt that they can fulfil their role until a replacement is available.

POSSIBILITY OF TRANSFERRING ACCIDENT INVESTIGATION TO TRANSPORTATION SAFETY BOARD

Hon. J. Michael Forrestall: Honourable senators will realize it is now 1,825 days since this program was promised immediately. Does the Leader of the Government in the Senate realize that we are asking young men and women in the Canadian Armed Forces to fly in an aircraft that is inherently unreliable? We have the finest maintenance crews in the world dedicated to keeping these craft flying safely and as long as they are able to fly. The fact is that the helicopters are worn out. They are tired. They are aged. They are unreliable. Maintaining them is costing us a fortune. It takes thirty-eight hours — more perhaps now — to keep one airborne for one hour. Does the minister not realize that we are endangering the lives of Canadian Forces personnel?

Would the minister examine the possibility of transferring accident investigation from the military to our national Transportation Safety Board, which would have grounded these helicopters years ago?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, my honourable friend is quite right when he describes the abilities and capacity of our maintenance personnel in the Canadian Armed Forces, particularly those involved with the Sea King helicopters. He might agree with me when I say that they are among the most experienced maintenance people in the world with respect to this piece of equipment.

I do not think the honourable senator is indicating that the military would send its members into a mission in a piece of equipment that was not deemed appropriate and ready to fulfil the mission.

There have been and will continue to be, no doubt, challenges with respect to maintenance. As a piece of military equipment reaches the end of its useful life, the degree and number of those challenges increases. That has happened and will continue to happen. I would not take from that, though, that we would send people on a mission where their safety or lives were placed at risk. We should give the maintenance crews a great deal of credit for the job they do and will continue to do.

I share the honourable senator's wish that these helicopters be replaced expeditiously, and I had the assurance of the minister as recently as a few days ago that it remains his top priority and that he will push ahead. I will extend to the minister the encouragement, not only of myself but also of the senator, that the matter be dealt with as quickly as possible.

Senator Forrestall: The Leader of the Government in the Senate did not respond to my question. The question is still hanging out there. Let me add to it, and I hope he will respond.

The second part of the question is whether the minister recognizes that the tasking for the ship-borne replacement program was carried out before the present Prime Minister cancelled the EH-101 program. That two-year job has already been completed.

• (1450)

Can we get some assurances? We have waited eight years and cannot deal with a further three-year gap, because this is critical. These helicopters are unreliable. They should be grounded. Will the minister, as well, respond to the suggestion that perhaps this matter of the performance of this equipment should be monitored by the Transportation Safety Board and not the Canadian military?

Senator Boudreau: Honourable senators, the honourable senator has raised two questions. The first question asks whether or not I can reassure him that the replacements will be in place prior to some date eight years hence. Certainly the judgment I can make, based on my conversations with the minister, give me great confidence that, in fact, we will not be waiting eight years for the replacement of the Sea Kings. I wish to extend the confidence which I feel to the honourable senator, and indicate that I believe that we can be assured that the replacements will not take another eight years.

The second question that the honourable senator raises is one with respect to investigations of incidents involving military equipment. Frankly, it is not an area in which I have a great deal of expertise. I suspect, though, that the Armed Forces generally handle these matters on their own. That may not be the case, however, and the honourable senator may perhaps at some point have an opportunity to share his experience with me on that point. I cannot answer definitively at this stage in any event.

REPLACEMENT OF SEA KING HELICOPTER FLEET— POSSIBILITY OF LEASING

Hon. Gerry St. Germain: Honourable senators, my question is a supplementary to Senator Forrestall's questions.

I happen to have flown aircraft in the air force and I still fly today. I say this in order to qualify what I am about to ask the minister. The point is that the government is asking these maintenance people to perform miracles. I started my military career at the maintenance level and progressed to aircrew. That is how I know that these maintenance people are excellent. However, they are not miracle workers.

I read just recently that for every hour one of these Sea Kings flies requires 30 hours of maintenance. I have asked your predecessor a certain question which I have posed on several occasions in this place, and that question is: Why has the government not taken action? They have gone so far as — and I stand to be corrected on this — to have given aircrews the discretion of not flying if they do not feel comfortable with the aircraft. When you get to that level, the game is over.

How could the minister possibly do that, as a member of cabinet? I believe that if an accident takes place, the

responsibility will lie squarely on the shoulders of the cabinet, and in particular, the Minister of National Defence and the Prime Minister of this country. I believe that there are solutions, such as the leasing of helicopters. There are mechanically sound helicopters all over the world which could perform this function safely. Why are we not proceeding in that direction? On the occasion I posed this question to the leader's predecessor, he said he had discussed it with the minister and that consideration was being given in this particular area.

I have flown a four-seater aircraft accompanied by one of our senators. I was particularly conscious of the safety aspect. Even if the senator had been a Liberal, I would be just as conscious of safety. I am sure that when I was in the air force I must have flown many Liberals, or flown with them, and I was just as conscious of their safety.

Honourable senators, I urge the minister to act on the possibility of leasing, and I ask for a response in that regard. As I say, there are millions of helicopters. In North America alone there are thousands of them, at least. Why are we not leasing this? Why are we doing this to our military? We are doing things to our military, in various other areas, that are disgraceful. Why are we doing this to aircrew who are working to save lives and jeopardizing their own lives in the process?

Hon. J. Bernard Boudreau (Leader of the Government): The honourable senator makes a number of points and I will not try to follow all of the comments. Specifically with respect to the Sea King helicopter, the honourable senator has indicated that my predecessor had discussions at some point with the minister with respect to the issue of leasing. I have not. However, I certainly will undertake to have a similar type of discussion with the minister, and then perhaps I can relay more specific information.

Honourable senators, before sitting down, I should like to say that the Canadian Armed Forces, be they operating Sea King helicopters or any other equipment, do a remarkable job. They have been supported by government. I believe that the people in charge of maintaining the Sea King helicopters not only do a remarkable job, but that at no time would they ever permit an aircraft to be used if they felt there was any threat to life and limb. I believe that those people maintaining the Sea King helicopters do a magnificent job under admittedly difficult circumstances, especially when you consider that this is an old piece of equipment.

AGRICULTURE AND AGRI-FOOD

POSSIBLE TRANSITIONAL FUND FOR FARMERS WISHING TO CHANGE CAREERS

Hon. Herbert O. Sparrow: Honourable senators, I have a question for the Leader of the Government in the Senate. However, before I bring the question forward, I wish to again express my appreciation and the appreciation of the house for having allowed the discussion that we had yesterday on the farm crisis in Canada. I thank all honourable senators for their input in the debate.

I understand that there will be a statement today in the House of Commons by the Minister of Agriculture pertaining to additional assistance for the AIDA program. I am somewhat concerned, though, about a report in *The Globe and Mail* today, that says:

The minister is also believed to be considering a transitional fund for farmers who decide to leave the land and switch careers.

I am concerned about that because I know of no farm organization and no farmers who have asked for such a program. That is an indication to me that maybe we are trying, as a government, to push farmers out of farming. That is not the purpose of representations at all. The purpose arising from our concern is to keep the farmers on the land, not to encourage them to leave the land.

As the farmers leave the land in rural Saskatchewan, Manitoba, and Alberta, it destroys the very fabric of that part of the nation. We need every farmer and farm family where they are in order to support the elevator system, the education system and the health system in those communities. I am concerned, therefore, if this is truly what the government is proposing.

I ask the Leader of the Government in the Senate two questions: Could he tell us who, if anyone, has been asking for such a transition program — any farm organization, or individuals who would have indicated that that is the kind of program they are looking for? Would the Leader of the Government in the Senate tell us if, in fact, the government and the Minister of Agriculture are proposing such a program?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for the question. With regard to the first part of the question, I am not aware of any such discussion or any such proposal from any contact or conversations I have had with the minister. Therefore, I am unable to respond as to whether the suggestion has been proposed by another organization. However, as I walked into the Senate this afternoon, I was handed a news release issued by the Minister of Agriculture and Agri-Food which lays out the details of the proposal made by the minister.

• (1500)

I asked my staff to prepare a bilingual copy of the announcement, in order that it would be available for all senators to read. I have not yet received that copy; however, I anticipate receiving it shortly. If it is the desire of honourable senators, I will supply senators with copies of that announcement.

There is nothing in the announcement that refers to a buyout program or anything of that nature. It does, however, indicate that the federal government has today announced that they will be adding another \$170 million to the two-year Agricultural Income Disaster Assistance Program, the AIDA program. This additional funding raises the federal portion of the program to

over \$1 billion. This is in addition to annual federal farm payments of \$600 million.

As well, other changes in administration of the program are being contemplated. I do not intend to give details here since they are contained in the announcement which will be provided shortly. In any event, it is anticipated that the provincial premiers who expressed such concern when they recently visited Ottawa will join the federal government in making the AIDA program that much more available. I presume that the provinces will continue to maintain the 60-40 cost sharing arrangement under the existing program and taking into account that additional \$170 million. Assuming that that is the case, another significant amount of money will be added to the fund.

REQUEST FOR PROGRAM TO KEEP FARMERS ON THE LAND

Hon. Leonard J. Gustafson: Honourable senators, I have a supplementary question with regard to keeping farmers on the land. Today, only 2.5 per cent of our country's population are left in agriculture. Therefore, it is very important to keep them there.

In the U.S., President Clinton has said that he had decided to sign the measure because farmers are facing a true emergency and cannot wait. That was in reference to the \$8.7 billion that was allocated to farmers in that country. The president of the farmers' national union said that this infusion of assistance may mean the difference between farmers quitting and staying in business.

The important thing is to keep farmers on the land. Would the Leader of the Government in the Senate communicate that to the cabinet? We were pleased to hear that some measures have been taken to infuse more capital into the situation. I do not think that is nearly enough, given the extreme circumstances we face. However, would the leader give us the assurance that he will press the government to bring in a program to keep farmers on the land, as opposed to helping them off the land?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I have no difficulty in indicating that everything reasonably possible should be done to keep farmers on the land, contributing to Canadian life and society as they have over the years.

Let me paraphrase one portion of the release that just recently came into my hands. The Minister of Agriculture and Agri-Food said, "We will be asking the provinces to join us under AIDA, in covering 70 per cent of the producers' negative margins or undertaking equivalent measures." The Minister of Agriculture and Agri-Food also indicates that "We will continue to work with the provinces and industry to find ways to help farmers, particularly those in the most difficulty."

This statement clearly indicates that this is a federal commitment, backed up with a significant amount of money, to aid those in most difficulty and in most danger of having to leave the land. I expect this measure will have some of the effect that the honourable senator wishes.

Some credit should be given to the Minister of Agriculture and Agri-Food because he did not await a negotiated process with the provinces. The minister and the federal government, in putting this money immediately into the program, took action in a very direct and responsive way. The assumption is that the provinces will also comply and join with the federal government in contributing to enlarge the AIDA program. However, the federal government and the minister did not want to stretch out the process for a week, two weeks, 10 days, or a month looking for some sort of written guarantees to that effect. The minister moved immediately.

This money is an improvement over the way the AIDA program operated previously. It will reach the farmers who are most in need and most in danger of leaving the land.

AGRICULTURAL INCOME DISASTER ASSISTANCE PROGRAM—
ALLOCATION OF MORE FUNDS—
REQUEST FOR CLARIFICATION ON MINISTER'S STATEMENT

Hon. Herbert O. Sparrow: Honourable senators, is the leader suggesting that the new money will go out before the old money is paid out? Is that what he is suggesting when he says that it will go faster? Farmers have not received yet the old money that is under the AIDA program, and now it is being suggested that the new money will be going out faster.

I wonder if the Leader of Government would take the message back that for the new money we do not really require another 47-page application form. We are fed up with the old one, so we would like something simpler than that.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, there has been a recognition by the government that the funds in the AIDA program did not get out to the people in need as quickly as they should have.

I listened to Senator Carstairs' excellent speech yesterday in this chamber. She clearly and quite candidly outlined the difficulties in the program. The money did not get to the farmers in need as quickly as the federal government and all the other parties to the AIDA agreement had intended. It did not get to the farmers as quickly as the parties who designed the program had intended.

This new money will not operate under a different set of rules. It will go into the pot. However, along with the announcement of this money, the minister has also announced that some changes will be made to the program which will result in the money passing through the program and ending up in the farmers' hands much more quickly.

Hon. Leonard J. Gustafson: Honourable senators, the problem with the last program was that if a farmer had an average of three years and got hailed out in one year or dried out in one or two, there was no way that 70 per cent of that three-year average would work.

Could the minister convey to the members of cabinet the importance of getting to the farmers who are most in need? If they were hailed out or dried out, there is no way that the negative average of 70 per cent of two bad years meant anything. Those are the people who got burned the worst; the ones that needed it the most. If that program is to work, some type of change is required so that the hurting will be healed.

Senator Boudreau: Honourable senators, that may have been addressed. Let me paraphrase again from the release.

• (1510)

The minister also proposed other changes to the AIDA program, including one that will allow producers to make a one-time choice in 1999 of a reference period on which payments are based, that is, either the previous three years, or three of the previous five years where the high- and low-income years are not counted. I do not know if that addresses the specific problem the honourable senator raises, but it seems to indicate some assistance for the type of situation he brought to our attention.

Honourable senators, with leave, I should like to table the news release. I just received a bilingual copy, and I would ask that additional copies be made and distributed to any honourable senators who may be interested.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: We will make copies and distribute them as soon as they are ready.

REQUEST FOR FINANCIAL SUPPORT FOR ALFALFA DEHYDRATORS

Hon. Nicholas W. Taylor: Honourable senators, I have a supplementary question. Can the Leader of the Government in the Senate take to the cabinet table the problem of alfalfa dehydrators in Western Canada who contract for their crops with farmers? The alfalfa industry runs in four-year cycles, and these people are also caught in the sudden drop in world prices for alfalfa. They are in a squeeze because they promised the farmers X dollars per tonne and can only sell at X-minus dollars per tonne. They are mostly small companies, sometimes co-ops. A couple of dozen in Western Canada are likely to go under because the Minister of Agriculture ruled that they are corporations, in effect, and cannot qualify for AIDA. Yet, if they go under, a number of farmers will not be able to sell alfalfa any longer. Even though they are very small businesses, they do provide jobs.

Since the AIDA program cannot help in this regard, I hope the Leader of the Government will take their problem to the cabinet table and find out if there is some other way to get them over the next two or three years and to keep those alfalfa plants open. After all, farmers need them badly.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I appreciate my honourable friend's comments on that subject. I will, with pleasure, take his concerns to the cabinet table and specifically to the minister responsible.

FISHERIES AND OCEANS

MARITIME PROVINCES—

SUPREME COURT DECISION UPHOLDING

NATIVE FISHING RIGHTS—EFFECT ON LOCAL ECONOMY

Hon. Gerald J. Comeau: Honourable senators, my question is on a slightly different subject. It concerns the recent Supreme Court decision in the *Marshall* case. Regardless of how one may view the decision, most people agree that it will have a profound impact on the lives of both natives and non-natives in Atlantic Canada, and the adjustments will have ramifications for the economy and finances for the whole of Canada. I would cite the possible effect on Sable Island gas, on timber and mineral rights, and so on.

Would the Leader of the Government in the Senate indicate what measures and contingency plans are being undertaken to deal with the economic adjustments and the fallout from the Supreme Court decision?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the first and most immediate fallout from the *Marshall* decision, as the honourable senator well knows, has occurred in the Atlantic Canada fishery. As a priority, the Minister of Fisheries and the government have attempted to address that situation as quickly as possible, in the hope of bringing calm to both parties and encouraging meaningful discussion towards what ultimately will have to be a long-term solution to a situation that has pretty serious short-term implications. Some of the scenes we witnessed made us all uncomfortable, I am sure. That short-term negotiating process seems to have taken hold. A sense of calm has been restored, and we are very hopeful that those discussions will proceed.

However, it is also important to point out that the rights granted to the aboriginal community by the Supreme Court have a price attached. It is a price that cannot be paid by simply one sector of our economy. It cannot be paid solely by fishermen in Atlantic Canada, any more than it can be paid by office workers in Vancouver. An accommodation must be made by the entire country in recognition of these aboriginal rights as defined by the Supreme Court.

I anticipate a long-term process. However, in areas where an immediate resolution must be obtained, especially in the Atlantic fishery, I think good work has taken place and I hope it will continue.

POSSIBILITY OF TRANSITIONAL FUND
FOR FISHERS WISHING TO CHANGE CAREERS

Hon. Gerald J. Comeau: Honourable senators, I could not help but take note earlier of the question asked by Senator

Sparrow regarding the adjustment programs that were contemplated or were rumoured to be contemplated for the agricultural sector. Similar indications have come from various sources that money has been set aside for an adjustment program — I will not suggest the word “buyout”. The figure I have heard is \$500 million — I believe I counted eight zeros at the end of the five — to accommodate the agricultural sector alone. That is a huge sum. Is the same approach being contemplated for fisheries — in other words, buying out certain people in the fishery sector and other sectors, which will add more zeros to the figure — or is this merely a rumour that is floating around?

I might remind the minister that there is a great deal of uncertainty in many communities. We are entering the winter fishery now, which is a much-reduced fishery. That gives us a little lead time, although a very short lead time, and time is of the essence.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I cannot confirm any speculative numbers. I would be very surprised if numbers have been seriously discussed at this point. One reason is that the full extent of the *Marshall* decision — its application, width and breadth — is unknown at this time. Somewhere in the government someone might be writing a paper on all sorts of scenarios, but I do not think any numbers have been seriously considered at this stage. A possible buyout may arise at some point.

By the way, honourable senators, I cannot confirm — quite the contrary — any such rumours with respect to the farming community. I am not aware of any plan to buy out farmers. I do not want to mislead the Senate with respect to that question. However, the situation with respect to the fishery is a bit different. A buyout program is in effect now. As a matter of fact, an aboriginal buyout program has purchased licences in certain areas of the fishery and turned them over to the aboriginal community. That program was in existence before the *Marshall* decision and is almost guaranteed to continue in some form.

The point I wish to make to the honourable senator again is that the situation is a challenge not just for the fishermen in New Brunswick or Nova Scotia; it is a challenge for all of Canada.

• (1520)

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise to ask the Table to call, as the first item of business, Order No. 2 under the heading of “Bills”, namely, the second reading of Bill C-6.

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Michael Kirby moved the second reading of Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

He said: Honourable senators, I am pleased to have the opportunity to address the Senate regarding Bill C-6, whose short title is the Personal Information Protection and Electronic Documents Act.

With the advent of the new information economy, Canadians are finding new ways of connecting to each other, to markets, to governments and to the world. All Canadians have a stake in the new knowledge-based economy which is bringing with it changes that profoundly affect all our lives.

Canada's success in the 21st century will depend on the ability of all Canadians to participate and succeed in the global, knowledge-based economy. To ensure that participation, we must move quickly to provide Canadians with the necessary access, skills and confidence that this new technology will not erode the privacy they now have and enjoy with respect to the way in which their personal information is handled. Bill C-6, the Personal Information Protection and Electronic Documents Act, is a significant step toward achieving these goals.

Honourable senators, Bill C-6 is the product of informed review by many experts in the field of data protection and electronic commerce, of widespread public consultations, and of extensive examination in the other place. It will also be subjected to extensive hearings by a standing committee of the Senate.

The bill addresses three broad issues to help Canadians fully exploit the true potential of the Internet as the medium of information and commerce. The legislation will: first, create an electronic alternative for doing business with the federal government; second, provide a legal basis for electronic records and secure electronic signatures; and, third, protect the personal information of Canadians in their dealings with private sector organizations.

Already, the federal government has pioneered the use of the Internet as a means to improve service to Canadians, increase efficiency and lower costs. Many of the federal government's transactions with the public, from the filing of income tax returns to the provision of information on any number of subjects, can now take place electronically at great speed and at much lower cost than the old paper way of doing these things. However, much more can be done if we update federal statutes and regulations to capture the opportunities presented by the Internet.

Many existing statutes and regulations often specify that information must be given in writing or certain documents must be signed. Such references can and, historically, have been interpreted as restricting transactions to paper only and as precluding electronic alternatives. Bill C-6 allows us to make existing statutes and regulations compatible with the new electronic environment. It will enable us to provide an electronic alternative to the transmission of information on paper.

Parts 2 to 5 of Bill C-6 will eliminate the so-called "paper bias" in our current federal laws and regulations by making them essentially media neutral. That is to say, by making electronic transmission and information equal in quality in terms of the statutes and regulations with paper documents. Bill C-6 will put electronic transactions governed by federal laws on the same footing as paper ones. It will assure business and citizens that electronic documents and signatures have legal standing.

Bill C-6 will not replace or eliminate communications through the written word. Instead, it will make the electronic transmission of information through computers an option that is realistic, practical and, above all, legally sound. Moreover, we are enabling the federal government to accommodate a way to do business that is increasingly popular with Canadians, namely, doing business electronically over the Internet.

Canadians increasingly want to do business electronically, not just with their governments but with the private sector as well. There is a lot of evidence to support that, both from public opinion polling information and from looking at the number of transactions that are now being conducted over the Internet and looking at the rate of growth of those transactions.

The increasing pervasiveness of networks and the increasing speed with which the associated technology advances means companies are collecting more information from more sources, moving it faster and further and combining it more ingeniously than ever before. This has resulted in the treatment of personal information as a commodity. Personal information is now bought, sold, and traded. Personal information now has commercial value in and of itself.

In order for electronic commerce to flourish in Canada, consumers need to feel confident about how their personal information is gathered, stored and used. In the electronic age, each time we make a transaction we leave a "data trail": tracks that can be compiled and assembled to provide a detailed record of our own personal history and preferences. Canadians are concerned that their personal privacy is being eroded by the shift from paper to electronic transactions and information storage, and the storage of accumulated files of information about each of us. Canadians want government to work with business to do something about the problem.

In July 1998, an Angus Read poll showed that 88 per cent of Canadians said they found it "unacceptable" for companies and organizations to sell, trade or share lists containing personal information with other organizations. The business community has recognized these concerns in the past by adopting a voluntary privacy code developed by the Canadian Standards Association.

Although the business community's efforts and commitment to this code has been impressive, Canadians need assurance that they can be confident about privacy when doing business. Bill C-6 will give Canadians the privacy protection they desire by legislating a privacy code that is enforceable and mandatory.

Right now, personal information is crossing all boundaries: provincial, territorial, and national. In the other place, there were some concerns raised about how Bill C-6 will coordinate with areas of provincial jurisdiction, in particular, concerns that Bill C-6 encroaches on provincial jurisdiction. However, because of the business orientation and focus of Bill C-6, the federal government is confident that the bill is a legitimate exercise of its authority to legislate in respect of trade and commerce in Canada. Nevertheless, honourable senators, the committee to which this bill is referred will hear expert witnesses who will argue both sides both sides of this constitutional question.

Honourable senators, there is clearly a need to legislate on a national basis. Provinces acting alone and even together cannot pass laws that can effectively protect information crossing interprovincial and international boundaries. A company in British Columbia collecting information from customers in Manitoba may disclose it to another company in New Brunswick or New York. Canada, therefore, clearly needs a national law to protect personal data in such circumstances — a law that is harmonized with the provinces and territories playing their part in their area of jurisdiction.

Honourable senators, Bill C-6 will apply to all industry sectors, regardless of the size of business. This includes the health care sector. It will provide protection for personal health information it has collected, used and disclosed in the course of commercial activities. To reconcile data protection rules across jurisdictions, the government encourages the provinces and territories to protect citizens' data in their area of competence and to harmonize not only with the federal privacy legislation but also with each other.

Part 1 of Bill C-6 addresses the need to safeguard personal data by establishing the right to the protection of personal information. It sets clear rules for how that information will be collected, used and disclosed in the course of commercial activities.

Based on government consultation and industry committee hearings in the other place, Canadians have sent the following messages: First, they want legislation that is flexible and effective and provides meaningful recourse for consumers. Second, Canadians support building on existing instruments such as a voluntary privacy code of the National Standard for the Protection of Personal Information of the Canadian Standards Association; and third, Canadians want independent oversight — that is, someone to investigate complaints and ensure compliance with the new legislation and regulations by the private sector.

Bill C-6 will require organizations to comply with the 10 fair information principles of the Canadian Standards Association standards for their protection of personal information, principles which are incorporated directly into Bill C-6 as Schedule 1. The CSA Standard principles address the way in which organizations

should collect, use, disclose and protect personal information. They call for businesses to identify the purpose for which information is collected, to obtain the individual's consent regarding collection, to use and disclose personal information, and to provide measures allowing for access to records and organizational accountability.

• (1530)

Compliance with Part 1 of the legislation will be overseen by the Privacy Commissioner of Canada. The Privacy Commissioner will investigate and mediate disputes and investigate complaints. Indeed, one of the issues I believe the committee will want to discuss will be the rules necessary to ensure that the Privacy Commissioner, in carrying out his investigative and mediation roles, falls within the guidelines set out in various Supreme Court of Canada decisions, including the decision on the search-and-seizure powers of the old Combines Investigation Act in relation to *The Edmonton Journal* case. That is clearly an issue the committee will want to examine.

Unresolved disputes can be taken up under this act by going to the Federal Court for final resolution. The Privacy Commissioner is also given a strong public education mandate to help businesses meet the requirements of the bill.

At the present time in Canada, the protection of personal information can best be described as sporadic and uneven. Most industries are not subject to any rules at all concerning the collection, use and disclosure of personal information. The rest are covered by what the Privacy Commissioner of Canada has called a "patchwork" of laws regulations and codes. Only the province of Quebec has broad legislation governing the use of private information by the private sector.

This situation is clearly no longer acceptable to the vast majority of Canadians. Canadians have consistently voiced their concern about the lack of protection for their personal information. Canadian businesses are also calling for legislation that would set a single national standard of rules to ensure a level playing field across the country and, indeed, across various types of businesses. Canadian businesses realize that privacy makes good business sense. They understand that flexible but effective legislation will help customers accept electronic ways of doing business and thus increase the volume of business.

Canada needs new legislation to protect privacy. Such legislation must strike a balance between the rights of individuals to have control over their personal information. Consumers need access to avenues for effective redress in cases where they think their personal information is being misused. On the other hand, legislation must address the needs of industry to collect and use personal information as a vital component of success in the information economy.

I believe, honourable senators, that the legislation before us, Bill C-6, strikes an appropriate balance. Bill C-6 will help build consumer trust while, at the same time, putting in place a set of rules that gives the business community the certainty it needs to take full advantage of the potential of electronic commerce and thus to help ensure that Canada is a world leader in electronic commerce and global information.

I look forward to participating in the analysis of this bill at the committee stage. I urge all honourable senators to join in that analysis and to send Bill C-6 as quickly as possible to committee.

Hon. Lowell Murray: Honourable senators, I intend to offer some extended comments on this bill, after which I will propose the adjournment of the debate.

Several people and organizations have expressed certain concerns about this legislation. I am trying to arrange to meet with them early next week if possible. I have in mind, in particular, people from the health care sector. I do not want to conclude my remarks on second reading until I have had an opportunity to hear their comments. After the adjournment of the debate, therefore, I would propose to conclude my remarks when we return here on the Tuesday following the Armistice Day break.

I should also signal to honourable senators that at least one other colleague on this side, namely Senator Oliver, intends to participate in this debate at second reading.

First, I should like to congratulate and thank the sponsor of the bill, Senator Kirby, for his usual thorough and careful elucidation of the provisions of this bill.

This bill is really two bills in one. It represents a forced marriage of two bills on two rather different, almost unrelated subjects. The Minister of Justice herself, when she appeared before the House of Commons committee, acknowledged, and government officials confirmed, that this bill started out as two bills. Somewhere in the cabinet process, someone came along with a pair of scissors and a pot of paste and decided to paste the two bills together and make them one.

Part 1 of this bill would protect personal information collected in the course of commercial activity. Parts 2 to 5 of the bill would validate electronic documents and processes under the Canada Evidence Act, the Statutory Instruments Act, the Statute Revision Act, et cetera. It would facilitate electronic commerce with the Government of Canada. Part 1 and Parts 2 to 5 of the bill do not really lend themselves to a single principle or to a single theme.

This bill is really an omnibus bill. Omnibus bills are not always improper and are not always an imposition on Parliament. I want to give honourable senators a good and concise definition of the proper use of an omnibus procedure. It comes from the Honourable Herb Gray who was speaking then as a member of the opposition during the debate on free trade in the House of Commons in 1988. He said:

The essential defence of an omnibus procedure is that the Bill in question, although it may seek to create or amend many disparate statutes, in effect has one basic principle or purpose which ties together all the proposed enactments and thereby renders the Bill intelligible for parliamentary purposes.

This bill does not, as they say, "cut it" in light of that definition. That definition is very concise. It has been cited by succeeding Speakers in the House of Commons as an excellent definition of what an omnibus bill should be. Bill C-6 is not a

proper omnibus bill. It covers two different themes, two different principles.

In all charity and with some understanding and affection for the drafters' problems, this attempt to invent a single principle or a single theme where none exists is not very impressive.

• (1540)

It is quite disingenuous. It is fancy legislative and verbal footwork and gymnastics. It is nowhere more evident than in the long title of the bill: An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

The first part of this bill, the privacy part of it, deals with private information however collected, whether by electronic or any other means. The long title, trying to make a single principle or a single theme of this bill — I say again with some charity — is a lovely piece of nonsense that the drafters have concocted.

Senator Stewart a few years ago accused me of having the mind of a mandarin. I do not think that is true. If it were even partially true, I would certainly defer to Senator Kirby, because I would not be even in the same league with him in that respect. However, I think I have had sufficient experience to understand something of the mandarin and, indeed, the political mind. Somewhere along the line, someone came in and said, "We only have so much parliamentary time at our disposal; let's slap these two bills together." Out came, electronically, of course, the scissors and paste. The bill was slapped together in that fashion.

This is an imposition on Parliament. Why did they do it? It is the same cause, the same consideration — namely, the convenience of the executive to which the prerogatives of Parliament, for the past 30 years, have time and time again been subordinated and which, in my humble opinion, have made a virtual shell out of the House of Commons. It is much to be regretted.

I am of two minds whether we on this side should pursue this issue. One part of me says, "We really must take a stand on matters of this kind as a question of principle." The other says, "Well, in the other place, so much time has gone by that they have forgotten even what their prerogatives are, and if they don't care, why should we?" However, I will take the occasion to consult with my colleagues to see whether at some later stage in the debate we may want to pursue this matter.

There is plenty of precedent, as Senator Graham will recall, for the Senate's splitting a bill. When I was sitting opposite and was the minister in charge of ACOA, I brought in a bill to create that agency and at the same time to create certain other agencies, including the Enterprise Cape Breton Corporation. Those were provisions that I thought hung well together, and which did hang together very well in a single theme, but my friend Senator Graham and his then leader, Senator MacEachen, had some policy problems with the bill. They proceeded to move, successfully because they were a majority in the Senate at the time, to instruct the committee, if you please, to split the bill,

which the committee did. A message was sent back to the House of Commons telling the House of Commons that we had split the bill and that it was now two bills, and so on and so forth. The House of Commons in its wisdom, of course, promptly sent the affair right back to us, with the bill reunited, and I somehow have no doubt that that is what will happen this time, if we push our view to the limit. I wished to flag that issue, honourable senators, if only for the record, because it is a matter of principle.

This bill was Bill C-54 in the first session of the present Parliament. It died when that session was prorogued, and it was revived in the new session at the report stage. What I have to say about Bill C-6 and evidence from committees and so forth refers largely to the proceedings on Bill C-54, but the bills are identical.

As far as I have been able to gather, there have been no principled objections raised to Parts 2 to 5, the electronic commerce parts of this bill. Most of the controversy, if I might call it that, relates to Part 1, the so-called privacy provisions. This may be one of the problems with pasting together two bills in one. It may well be that insufficient attention has been paid by witnesses and others interested, and by legislators in the other place, to Parts 2 to 5. Goodness knows they are very important. They have, among other things, to do with the judicial system — the courts and the law and the taking of affidavits and all of that kind of thing. It may be, however, that, because Part 1 is more controversial, Parts 2 to 5 have been given only a cursory examination, or an inadequate examination, by both the interested public and the legislators. As I say, this may well be one of the problems with pasting together two bills as one. I make that point so that the committee may bear it in mind, because it may want to look more carefully than our friends in the House of Commons did at Parts 2 to 5.

With regard to Part 1, and most of my remarks today relate to that part of the bill, let me express my strong bias. I strongly believe in the protection of privacy. I believe that privacy is inherent to the dignity of the individual. We already have a Privacy Act in this country that protects individuals from undue invasion of their privacy by the federal government and its agencies. I think that act works pretty well. So far as I know, it has been pretty effective. We have not had until now legislation to protect the privacy of personal information collected in the commercial sphere. I say "bravo" to the government for having brought this initiative in now. It is overdue, and I support the idea entirely and without reservation. I hope our support — I think I can speak on behalf of colleagues on this side — for this legislative initiative will be borne in mind, and that anything that I say that may be construed as a criticism of this bill will be considered in light of our support for privacy and for legislation to protect the privacy of information collected for commercial purposes.

In that connection, I do not find as offensive as some apparently do the fact that this bill will give certain powers to the Privacy Commissioner. I do not think these are excessive. I think

that an individual's personal privacy is so important that Parliament ought to go the extra mile, if we must, to protect it.

I note in passing that some people have offered criticism of the structure of the bill. Indeed, if you try to read the bill, honourable senators, you will see it is rather complicated, because one must read back and forth between Part 1 of the bill and Schedule 1, which sets out the principles in the National Standard of Canada entitled *Model Code for the Protection of Personal Information*.

• (1550)

Schedule 1 itself has a mixture of the mandatory — in other words, what "must" be done and what "shall" be done — with the advisory — what "may" be done, what "can" be done, and what "should" be done.

Lawyers who have examined this bill more carefully and written briefs on it have said that this will present a very considerable difficulty and that what ought to have been done, and what still ought to be done, is that the mandatory provisions set out in Schedule 1 ought to be put four-square into the law and the "mays", "cans" and "shoulds" ought to be left separate in the schedule.

I raise that as something the committee should be ready to consider. If the bill can be improved in that respect, so much the better.

Pleas have been made in the House of Commons for blanket exemption from this bill. I am not very sympathetic to those pleas at all. It may be, however, that in certain fields, and the health care field comes to mind, a strong case can be made for special treatment under legislation of this kind, and I will come to that eventually.

As I said, I am not very sympathetic to pleas for exemption. Indeed, I question some of the exemptions in the bill as it now stands. In particular, may I draw your attention, honourable senators, to Part 1, clause 4(2)(c), an exemption that is granted to:

any organization in respect of personal information that the organization collects, uses or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose.

I shall first address artistic or literary purposes. What are they? Does this not strike you as a rather broad definition? I think it is. Can it be defined more closely? I think we should try. When the matter was discussed at the House of Commons committee, there was a presentation that implied that without this exemption docu-dramas might run afoul of the law. You know what docu-drams are, honourable senators. They are a mixture of fact and fiction. They are interesting and enjoyable to watch, but perhaps they should come under a law such as this. Perhaps they should not be given a routine exemption. I think the matter is worth further consideration.

As for exempting information on individuals that is collected for journalistic purposes, the explanation of why this exemption is included is that, if we do not include the exemption, should this bill become law, it would be subject to a likely successful challenge under the Canadian Charter of Rights and Freedoms based on the right to self-expression, the freedom of the press. That is probably true. However, it raises a question in my mind as to why we do not have in the Canadian Charter of Rights and Freedoms the protection of a right to privacy that would put that right on at least an equal basis with the rights that appertain to a free press. I think it is regrettable that our Canadian Charter of Rights and Freedoms does not contain such a protection.

Allow me to give honourable senators some historical information. As long ago as 1979, the Trudeau government, through its then minister of justice, Mr. Jean Chrétien, made a commitment in a constitutional policy statement that the right to privacy would be one of those rights that the federal government proposed to enshrine in any future charter of rights and freedoms. When the opportunity came to do so during the lead-up to the 1982 Constitution, that same government, in a different incarnation post-1980, ducked. Mr. Chrétien was again the Minister of Justice. Honourable senators will recall that there was a joint committee of the Senate and the House of Commons that reviewed the patriation package and, in particular, the draft charter of rights and freedoms. The co-chairmen were Senator Harry Hays, the father of our present colleague, and Serge Joyal, then a member of the House of Commons. The Conservatives and the NDP members on that committee took the initiative of proposing that a right to privacy be entrenched in the Charter.

Senator Kirby will remember that. Those were his mandarin days and he was one of the principal actors in the constitutional drama.

Mr. Chrétien argued against it. His argument was that the concept of privacy was altogether too vague. Further, he opined that privacy would receive adequate protection because of section 7, relating to security of the person, and section 8, relating to unreasonable search and seizure, in the draft charter. In the event, the Tory-NDP initiative was defeated, I think most regrettably.

In the 1992 negotiations that led to the Charlottetown accord, the present Privacy Commissioner, Mr. Bruce Phillips, intervened and argued very cogently that the right to privacy be included, that the Charter be opened to allow an amendment to incorporate the right to privacy. The first ministers, in their wisdom, did not do so. I think it is regrettable that it is not there and I see no reason why we should not have a debate very soon on the extent to which the media should be permitted to invade personal privacy.

It is sometimes said that we are protected by the laws of libel and slander. People more learned in the law than I would have to analyze that, but all that says to me is that the media can print or broadcast any information they like about any individual, so long as it is true. I think we should have more and better protection than that, and I think a right to privacy in the Charter of Rights

and Freedoms, put on the same basis as the right of freedom to expression, might well fit the bill.

By the way, honourable senators, there was a lengthy article in *The Globe and Mail* this morning dealing with attempts made by the history industry to overturn the commitment that Sir Wilfrid Laurier had written into the law to protect census data.

• (1600)

I know that Senator Milne has a view about this. Many historians wish to get their paws on personal data that was given in confidence to the census takers since, I believe, 1906. The historians are arguing vigorously in favour of removing that restriction. Mr. Phillips, the Privacy Commissioner, is arguing just as vigorously against removing that restriction.

Let me say that I agree with Mr. Phillips. If my grandfather or great grandfather gave personal information to the census taker on the basis of the commitment made by Sir Wilfrid Laurier, I believe that that should be respected. I certainly would not want Michael Bliss or Ramsay Cook pawing over all that information and coming to their own tendentious and highly prejudicial interpretations of the data. I say long live Sir Wilfrid Laurier and Bruce Phillips and to hell with these historians.

Inevitably, in Canada, a bill of this kind raises constitutional issues, as my honourable friend has pointed out; constitutional issues in the classic sense of division of powers questions, as well as federal-provincial issues of a more administrative nature. On the constitutional issue, the opinions that were expressed are along the whole range, from one end that this is a proper use of the federal commerce power, to the other extreme, which is that the bill is completely *ultra vires* the federal Parliament.

My layman's opinion, for what it is worth, which is not much, is in agreement with that expressed by Senator Kirby. I believe this bill is a proper and legitimate use of the federal commerce power and Senator Kirby set out cogently, as only a layman can, some of the reasons why this is so. I also add that I do not believe the federal government should be shy, as governments have been in the past, to invoke the commerce power. It is there for a purpose.

The Canadian Bar Association was its usual unhelpful self on this issue when they appeared before the House of Commons committee. They noted the fact that some jurists said that it was *ultra vires* and some jurists said that it was completely within our power, and some jurists said something in between, and the Canadian Bar Association concluded that all of these positions have some constitutional justification. The Canadian Bar Association, having copped out, I feel the committee should, as Senator Kirby has suggested, canvass this issue. We must take it seriously. We should hear from experts. I trust we will be able to engage those members of the Senate who have more constitutional expertise and experience than I have. They may even change Senator Kirby's and my minds about it, although it is unlikely.

Quebec is the only province that does protect the privacy of information that is collected for commercial purposes. Quebecers have a double protection in that there is a chapter in the Quebec Civil Code that protects privacy of information collected for commercial purposes, and also they have a Privacy Act that does the same thing.

Senator Kirby did not refer to this; therefore, I will. For the first three years after Royal Assent, after proclamation, this law will apply only to commercial activity that is in the federal jurisdiction and to interprovincial commerce. Only after three years will it apply to commercial activity that is totally within a provincial border and only if that province has not passed equivalent legislation. One wonders why the government goes through those hoops, given the robust assertion of their commercial power; however, I believe it has to do with the fact that Quebec already has legislation and Alberta is said to have some legislation in the pipe. Also, I may say that the provincial ministers of justice all asked to have this bill withdrawn. As I said, I feel that is going a bit far. Ms McLellan, the federal minister, rejected their appeal, although I believe the committee should still hear from them, and if it is possible to iron out some of their concerns, why not do so?

In addition to the constitutional issue, there is the problem that has been raised of some ambiguity and confusion in those provinces that do legislate, as Quebec has done. We will then have the federal law applying to the federal jurisdiction and to interprovincial commerce, and the provincial law applying to commercial activity solely within the borders of that province. It may be more difficult to make a distinction between those various activities than it appears. I mean, what is interprovincial, what is intraprovincial? What legislation will apply, federal or provincial? There may be some administrative difficulty, some ambiguity and confusion.

Administrative problems can always be overcome. Senator Kirby, who was a mandarin, would surely support that confident assertion; however, the provincial ministers, as I said, have asked that the bill be withdrawn and I believe they should be heard, with a view to trying to reassure them or, if possible, to address their concerns.

Senator Kirby has referred to the health care sector. Mr. Manley, the Minister of Industry, who had carriage of this bill in the other place, believes that he has met the concerns that were expressed by virtue of an amendment that he presented on October 15, I believe it was. My information is that those in the health care sector who have expressed such concerns are not at all satisfied that their concerns have been met. The Canadian Dental Association have taken quite a hard line. Doctors and hospitals perhaps somewhat less so; however, they have all submitted briefs and we will need to hear from them when this bill goes to committee.

The Canadian Health Care Association is especially concerned about this. The doctor-patient relationship is not "commercial" under the definition of this bill; however, there are pharmacies and other health care providers that may or may not be

commercial. The Canadian Health Care Association has received a legal opinion which is quite detailed and quite, I would say, devastating in its analysis of this bill. That opinion was prepared by a Montreal law firm and the man who wrote the covering letter was at some pains to point out that the lawyers who had worked on this were all people who had quite a track record as volunteers in important positions in hospitals and health care associations, et cetera. This legal opinion is must reading for anyone interested in this bill, in particular for anyone who intends to take part in the committee study of the bill.

I would not agree with those who think that we should simply exempt health care and the health care sector and let it go at that. However, as I suggest, perhaps we should reconsider whether some special consideration and special treatment ought to be legislated in respect of that important sector.

• (1610)

As I say, I intend, if I can, either personally or through my agents, to talk to them and hear what they have to say. I will return to that issue when I conclude my remarks on November 16.

With those few preliminary remarks, honourable senators, I propose the adjournment of the debate.

On motion of Senator Murray, debate adjourned.

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Joan Fraser moved the second reading of Bill C-7, to amend the Criminal Records Act and to amend another Act in consequence.

She said: Honourable senators, I am pleased to rise on second reading to speak to the merits of Bill C-7, to amend the Criminal Records Act. As many will recall, this bill first came before us last spring as Bill C-69. It is an important bill because it deals with improving the safety of our children and other vulnerable people. However, at that time we were faced with quite a number of important pieces of legislation. Therefore it is worth taking a few moments to review the main features and objectives of this bill.

[Translation]

First and foremost, the changes will increase public security. They will make accessible, for screening purposes, the police record of sexual offenders who have been pardoned and are applying for positions involving a situation of trust. Thus, a marker will be placed in the police record system when a sexual offender is pardoned and his record sealed. That means that when an agency caring for children wants to know the history of new employees, paid or unpaid, the history of a candidate who has committed a sexual offence and has been pardoned will not go unnoticed.

[English]

Few things are as disturbing as the thought that those who would pray on innocent children may take cover in an organization where those children should feel safe and protected. Yet we know that on some occasions that has happened. This bill will give us one more tool to help prevent such incidents.

In addition, the bill will do four things. First, it will clarify and strengthen the pardon system by providing for the automatic revocation of a pardon upon new convictions for hybrid offences, that is, an offence that can be prosecuted by indictment or as a summary offence. Second, it will impose a waiting period of at least one year before an applicant who has been denied a pardon can apply again. Third, it will require that appeals will be decided on the review of written material only unless the National Parole Board grants a hearing. Fourth, it will specify more clearly that the effect of the pardon is to seal the record, not to destroy it or to erase the fact of conviction.

While all of these measures are important in their own right, I should like to focus primarily on the question of pardoned sex offenders. The Criminal Records Act establishes a system to offer pardons to former offenders who have demonstrated a return to a law-abiding life. Under that act, offenders can have their records sealed by obtaining a pardon from the National Parole Board. It is important to remember that the sealing does not expunge the conviction, nor does it erase the record. The conviction is, after all, a matter of historical fact. The criminal record can be unsealed on the authority of the Solicitor General when it is in the interests of the administration of justice or national security.

Honourable senators, pardons are not lightly given. They are granted only when an individual has demonstrated sustained crime-free conduct. In the case of summary conviction offences, this requires a three-year, crime-free period after completion of any and all sentences. Bill C-7 makes it clear that this includes the payment of fines. In the case of more serious indictable offences, the waiting period is five years. The National Parole Board must confirm that the applicant has been of good conduct during that entire period of time. Before a pardon is granted, police are consulted in every community where pardoned applicants have lived during the past five years.

[Translation]

It is important to know that the vast majority of pardoned offenders continue to comply with the law. In the past 28 years, nearly a quarter of a million pardons have been granted and, of this number, only a little more than 6,000 have been revoked because of a new offence. This represents a rate of success of over 97 per cent.

[English]

Bill C-7 deals primarily with sex offenders who are a small segment of the larger pardon group. The Solicitor General's department has recently estimated that during the past 28 years,

4,200 sex offenders have received pardons. Only 114 or 2.6 per cent of these offenders have had their pardon revoked for commission of another sex offence. These estimates demonstrate that, fortunately, only a small number of pardoned sex offenders continue to pose a risk of reoffending. However, no matter how small the number, it is important to reduce that risk to the lowest level possible. Bill C-7 will help us to do so.

[Translation]

Bill C-7 is based on measures that have already been taken to protect children and other vulnerable groups. There was an important step forward in 1994 with the creation of the national screening system. This system relies on the Canadian Police Information Centre, or CPIC. Through CPIC, organizations have access to information allowing them to eliminate child offenders from their lists of candidates for positions working with children. This system was established following broad consultations with child services organizations, school and child welfare officials, voluntary organizations such as Boys and Girls Clubs, Big Brother and Big Sister agencies, and Volunteer Canada, as well as the police and victim assistance organizations.

These organizations said that checking criminal records was an important part of a thorough screening process. The national screening system is the result of cooperation between child welfare services, the police community, CPIC, and the Departments of the Solicitor General, Health and Justice.

[English]

The screening system has been working well. Its use by the voluntary sector and other bona fide organizations is constantly expanding, with more than 700,000 searches conducted to date. Bill C-7 will improve the national screening system by correcting a potential weakness that has been identified. That weakness is the fact that a pardoned record of a sex offender could be overlooked during a routine screening check using the Canadian Police Information Centre, or CPIC, system.

As it stands today, the Solicitor General has the authority to unseal and disclose a pardoned record for purposes consistent with the administration of justice, including screening. However, he cannot use that authority if such records are not requested, and they cannot be requested if their existence is unknown. As such, records are removed from the CPIC system and kept separately in a sealed database, and they do not show up when a routine query of CPIC is made.

This system of protection is exactly what is intended by the Criminal Records Act. For most purposes, these records should be invisible after a pardon has been granted. However, an exception is warranted when a person is applying for a position of trust and their record suggests that there would be an increased level of risk to a specifically vulnerable category of person. There was unanimous agreement on this point among federal, provincial and territorial ministers of justice and solicitors general when they met in October 1998.

A working group of senior officials examining ways to protect children have submitted 10 recommendations to their ministers. All 10 recommendations were adopted and are now being implemented. One proposal called for the records of pardoned sex offenders to be made available for consideration during screening of candidates for positions of trust. The federal Solicitor General, with the support of the Minister of Justice, undertook at the 1998 meeting to determine how best to do this, in consultation with provincial partners.

• (1620)

Bill C-7 was the next logical step. As I noted earlier, it provides that when a criminal record that includes a sex offence is pardoned and removed from CPIC, a notation or "flag" will be left in its place. After that, when a screening check is conducted on a candidate, that notation will direct the police officer doing the search to submit the candidate's fingerprints to CPIC headquarters with a request for that record. It will then be brought forward to the Solicitor General, who will consider its unsealing. The unsealing will not be automatic.

Some may think that this measure runs counter to the fundamental intent of the Criminal Records Act, and that is a serious concern, of course. We want the pardon system to be a real system. However, this is a narrow and limited exception that is, in my view, warranted. Ministers of Justice from all jurisdictions have supported this principle. Not to take this step would risk incurring the potential consequences of the pardon helping a predatory sex offender work his way into a position of trust with children or with other vulnerable people.

[Translation]

I am speaking of a limited exception because only certain sexual offences will be flagged in the CPIC system. And this flag will only be visible during a screening search, identified by entering a code in the computer. The legislation and CPIC policy will prohibit unauthorized use of this code. The consent of applicants must always be obtained and they may always withdraw their application if they do not wish to disclose their file to the organization doing the screening. In order to ensure that candidates are accurately identified, their fingerprints will be included with the request to remove the seals on the application for pardon.

[English]

Finally, the Solicitor General will have to agree that disclosure of the record is warranted. The sex offences that will be flagged on CPIC will be specified, as will the factors that are considered by the Solicitor General in making his decision whether or not to unseal a record.

Honourable senators, you may recall that the Standing Senate Committee on Legal and Constitutional Affairs had a very good discussion about the then Bill C-69 during and following the appearance of the Solicitor General last June, and a further very productive session in September. I would like here to acknowledge the constructive contribution of Senator Nolin. The committee was particularly interested in the definitions of

"children" and "vulnerable persons," and in the precise identification of the list of sexual offences to which this bill relates. I am confident that the committee's excellent work will be of value to this chamber when the committee once again reviews this bill, now identified as Bill C-7.

It is important to recognize that Bill C-7 builds on measures already instituted by this government to improve the protection of children. They respond directly to the unanimous recommendation of provincial and territorial ministers. They received the unanimous support of all parties in the other place. They are consistent, I believe, with the concern we all share to do all that is possible to protect our children and vulnerable adults from predatory sexual offenders who would seek to harm them.

On motion of Senator Kinsella, for Senator Nolin, debate adjourned.

[Translation]

COMMITTEE OF SELECTION

FOURTH REPORT ADOPTED

The Senate proceeded to consideration of the fourth report of the Committee of Selection (*composition of various committees*), presented in the Senate on November 3, 1999.—(Honourable Senator Mercier)

Hon. Léonce Mercier: Honourable senators, I move that this report be adopted.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

DISTINGUISHED CANADIANS AND THEIR INVOLVEMENT WITH THE UNITED KINGDOM

INQUIRY—DEBATED ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of November 2, 1999:

That she will call the attention of the Senate:

(a) to persons of Canadian birth who sat as members of the House of Commons of the United Kingdom, including Ontario-born Edward Blake, Liberal Minister of Justice of Canada 1875-1877 also Leader of the Liberal Party of Canada 1880-1887, and New Brunswick-born the Right Honourable Bonar Law, Prime Minister of the United Kingdom 1922-1923, and Ontario-born Sir Bryant Irvine, Deputy Speaker of the House of Commons of the United Kingdom 1976-1982;

- (b) to persons of Canadian birth who sat as members of the House of Lords of the United Kingdom, including the Right Honourable R.B. Bennett, Prime Minister of Canada 1930-1935, and Lord Beaverbrook, Cabinet Minister in the United Kingdom in 1918 and 1940-1942;
- (c) to persons of British birth born in the United Kingdom or the Dominions and Colonies who have served in the Senate and the House of Commons of Canada including the Right Honourable John Turner, Prime Minister of Canada 1984 also Liberal Leader of the Opposition 1984-1990 and myself, a sitting black female Senator born in the British West Indies;
- (d) to persons of Canadian citizenship who were members of the Privy Council of the United Kingdom including the Prime Ministers of Canada, the Supreme Court of Canada Chief Justices, and some Cabinet Ministers of Canada including the Leader of the Government in the Senate 1921-1930 and 1935-1942 the Right Honourable Senator Raoul Dandurand appointed to the United Kingdom Privy Council in 1941;
- (e) to the 1919 Nickle Resolution, a motion of only the House of Commons of Canada for an address to His Majesty King George V and to Prime Minister R.B. Bennett's 1934 words in the House of Commons characterizing this Resolution, that:
- "That was as ineffective in law as it is possible for any group of words to be. It was not only ineffective, but I am sorry to say, it was an affront to the sovereign himself. Every constitutional lawyer, or anyone who has taken the trouble to study this matter realizes that that is what was done.";
- (f) to the words of Prime Minister R.B. Bennett in a 1934 letter to J.R. MacNicol, MP that:
- "So long as I remain a citizen of the British Empire and a loyal subject of the King, I do not propose to do otherwise than assume the prerogative rights of the Sovereign to recognize the services of his subjects.";
- (g) to the many distinguished Canadians who have received honours since 1919 from the King or Queen of Canada including the knighting in 1934 of Sir Lyman Duff, Supreme Court of Canada Chief Justice, and in 1935 of Sir Ernest MacMillan, musician, and in 1986 of Sir Bryant Irvine, parliamentarian, and in 1994 of Sir Neil Shaw, industrialist, and in 1994 of Sir Conrad Swan, advisor to Prime Minister Lester Pearson on the National Flag of Canada;
- (h) to the many distinguished Canadians who have received 646 orders and distinctions from foreign non-British, non-Canadian sovereigns between 1919 and February 1929;
- (i) to the legal and constitutional position of persons of Canadian birth and citizenship, in respect of their ability and disability for their membership in the United Kingdom House of Lords and House of Commons, particularly Canadians domiciled in the United Kingdom holding dual citizenship of Canada and of the United Kingdom;
- (j) to the legal and constitutional position of Canadians at home and abroad in respect of entitlement to receive honours and distinctions from their own Sovereign, Queen Elizabeth II of Canada, and to the position in respect of their entitlement to receive honours and distinctions from sovereigns other than their own, including from the sovereign of France the honour, the Ordre Royale de la Légion d'Honneur;
- (k) to those honours, distinctions, and awards that are not hereditary in character such as life peerages, knighthoods, military and chivalrous orders; and
- (l) to the recommendation by the United Kingdom Prime Minister Tony Blair to Her Majesty Queen Elizabeth II for the appointment to the House of Lords as a non-hereditary peer and lord of Mr. Conrad Black, a distinguished Canadian, publisher, entrepreneur and also the Honorary Colonel of the Governor General's Foot Guards of Canada;

She said: Honourable senators, I speak today to the unique historical and constitutional relationship between Canada and the United Kingdom, and to our shared Constitution and parliamentary systems, and to shared citizens and citizenship. Not long ago, in my lifetime, British and Canadian citizenship were indistinguishable, though Canada's sovereignty was asserted under a peculiar dominion status. As a black person, born and raised to age 13 in Barbados, British West Indies, who moved to Canada, I share in this dual experience. Years later, compelled by the comprehension that, as a black British-anglophone in Quebec, I would never be a true Quebecer, I moved from Quebec to Ontario, a refugee from "pur laine." I feel strongly that my heritage is being undermined and that I must assert and defend it.

Honourable senators, many in this country, including some cabinet ministers, advocate the dismantling of Canada's constitutional monarchy. I call this constitutional vandalism the deconstruction of Canada. They invoke a so-called popular democratic impulse against aristocracy, but their appeal to the democratic principle is shallow, hollow and very transparent. They present absolutism to the public as the ancient absolutism of kings, while deliberately ignoring the current absolutism of cabinets and courts in this modern era. These deconstructionists are intellectually and morally bankrupt. They mislead the public because Canada has never had an aristocracy or an aristocratic political structure. Unlike the United Kingdom, aristocracy has never been a part of Canada's social, economic, military or political structure.

Canada, as a new world settlement, has never possessed the social conditions that caused the creation of aristocratic structures. Canada never had the requisite condition for the aristocratic principle, being the hereditary principle known in England as the law of primogeniture, nor the aristocratic structure necessary for the protection of persons and property, being the protection of life and liberty provided by the aristocrat to his charges in return for their loyalty and service to him. In the United Kingdom, that political aristocratic structure gave way over time to ministerial responsible government, which Canada adopted very early in its history through the political party system.

My political culture is that of a constitutional monarchy and British parliamentary institutions which gave the British Caribbean the oldest legislative assemblies in the common law world. These parliamentary institutions brought about the abolition of the slave trade in 1807 and the abolition of slavery itself in 1833. These parliamentary political solutions avoided the carnage and bloodshed of the United States of America Civil War of 1861 to 1865, to my mind the military republican solution versus the Queen in Parliament political solution. The essential element of ministerial responsible government by the Queen in Parliament is the duty of Her Majesty's cabinet, under the confidence of Parliament, to find political solutions to human problems and conflicts in contrast to legal, judicial or military responses to those problems. Politics is the answer to most problems. The greatest contribution of our British system is the art of politics. The making and recommending of political appointments and honours is politics.

• (1630)

Honourable senators, Barbados is an old settlement whose legislative assembly was established in 1639, the oldest legislative assembly outside the United Kingdom. This stands in stark contrast to that of French Haiti and Spanish Cuba, both republics and both non-British settlements. I feel a strong affection for the Queen in Parliament, and no affection or craving for republican institutions in Canada. I feel disaffection towards those who would transform Canada into a republic. I shall resist them, as is my sworn duty. Canadians are no less free or independent, and no less blessed in liberty than the citizens of any republic. In fact, Canadians are blessed by being citizens of this constitutional monarchy, and that fact has made Canada and Canadians what they are, for in Canada freedom wears a crown. That schools, political institutions and, especially, many politicians decline to uphold Canada's great constitutional heritage is a great tragedy. Some have called it a lament for a nation.

Honourable senators, I turn now to the Queen's Royal Prerogative in respect of conferring recognitions, honours, distinctions, and titles. It is the ancient prerogative of sovereigns to extend honours to their own citizens. The converse is the entitlement of citizens — that is, Canadians — to receive honours from their own Queen. Further, Canadians who reside in other countries are entitled to recognition by sovereigns of those countries. In cases of shared sovereigns and citizenships, those Canadians acquire additional entitlements. This fact is vital in

today's era of globalization, which our government's foreign policy has supported vigorously. The desire of human beings, the desire of the human heart for support from fellow humans, for community acknowledgement as expressed in the sovereign's recognition, is a powerful, noble and important desire. All persons, distinguished in politics, industry, arts, community and military service, acts of bravery and every aspect of human and public service share in this universal desire of the human heart to be at one with fellow humans. This is the royal prerogative, the safeguarding and rewarding of this aspect of human nature.

Our sovereign has a distinct and separate relationship with each individual subject. Every subject, by virtue of that individual relationship, is entitled to consideration for the Queen's justice, the Queen's mercy, the Queen's honour, the Queen's protection, and the Queen's peace. The lexicon reveals this. This entitlement flows from that special private relationship between Queen and individual subject. This relationship is a mystique and is deeply personal, because it is anchored in a belief and in an ideal called God, Queen and country. Honourable senators, forgive me if I did not differentiate between "raw human ambition", "greed" and the human need for approval by one's Queen, the Fount of Honour for their contributions to the common good. I meant honourable desires for honour.

Honourable senators, I turn now to the Nickle Resolution moved by William Folger Nickle, the Conservative member for Kingston, which was adopted in the House of Commons on May 22, 1919. This motion, a Commons only motion for an address to His Majesty George V, never sought concurrence of the Senate. The political reasons are clear and obvious. It would have faced certain defeat here, because senators would have comprehended it for what it was politically and constitutionally. Further, it was an address to His Majesty, not to the Governor General of Canada, then the Duke of Devonshire. The address asked His Majesty to refrain from honouring Canadians and said in part:

We, ...humbly approach Your Majesty, praying that Your Majesty may be graciously pleased:-

To refrain hereafter from conferring any title of honour or titular distinction upon any of your subjects domiciled or ordinarily resident in Canada, ...

To provide that appropriate action be taken by legislation or otherwise to ensure the extinction of an hereditary title of honour or titular distinction, and of a dignity or title as a peer of the realm, on the death of a person domiciled or ordinarily resident in Canada at present in enjoyment of an hereditary title...

Honourable senators, 10 years later, in 1929, there was another debate in the Commons about this Nickle Resolution. Charles Cahan, a Conservative member moved, on February 12, 1929, that a special Commons committee be formed to reconsider Nickle, therein to investigate and report upon the advisability of qualifying, amending or rescinding the Nickle address as adopted on May 22, 1919. Mr. Cahan noted that the

Nickle Resolution favoured foreign sovereigns over Canada's own sovereign, because, since 1919, some 646 foreign orders had been conferred upon persons resident in Canada by foreign, non-British sovereigns. In that debate, as reported on page 78 of the Commons Debates of that date, Prime Minister William Lyon MacKenzie King said:

If we are to have no titles, titular distinctions or honours in Canada, let us hold to the principle and have none, let us abolish them altogether; but if the sovereigns or heads of other countries are to be permitted to bestow honours on Canadians, for my part I think we owe it to our own sovereign to give him that prerogative before all others.

The division, that vote on February 14 on Charles Cahan's motion, showed that Prime Minister King and then Conservative Leader of the Opposition, Richard B. Bennett, both voted "yea" with Charles Cahan. The motion was defeated. Many voted against it, believing that any reconsideration of Nickle would validate the original resolution that they believed was a dead letter anyway.

Honourable senators, four years later, on May 17, 1933, Prime Minister Richard B. Bennett told the Commons that the Nickle Resolution was of no force or effect, because a resolution of one house of parliament alone could not limit the Royal Prerogative and, further, that such resolutions die when a Parliament dissolves. To a Member's question on honours, he said, as reported on page 5126 of the Commons Debates:

...it being the considered view of His Majesty's government in Canada that the motion, with respect to honours, adopted on the 22nd day of May, 1919, by a majority vote of the members of the Commons House only of the thirteenth parliament (which was dissolved on the 4th day of October, 1921) is not binding upon His Majesty or His Majesty's government in Canada or the seventeenth parliament of Canada.

Prime Minister Bennett restated this position firmly on January 30, 1934, in his reply to the Throne Speech. About the Nickle Resolution, at page 93 of the Commons Debates he said:

In other words, it asks the sovereign, by resolution of the House of Commons, to cease to exercise his prerogative in Canada. That was as ineffective in law as it is possible for any group of words to be. It was not only ineffective but I am sorry to say, it was an affront to the sovereign himself.

About his actions in reviving recommendations to His Majesty for honours, Prime Minister Bennett continued, in the same speech, by saying at page 96 of the Commons Debates:

The action is that of the Prime Minister; he must assume the responsibility, and the responsibility too for advising the crown that the resolution passed by the House of Commons was without validity, force or effect with respect to

the sovereign's prerogative. That seems to me to be reasonably clear.

Honourable senators, the sovereign of France, the President, conferred the Ordre Royale de la Légion d'Honneur on Quebecer Robert Gagnon just two weeks ago, and on Premier René Lévesque in 1977, while he was premier of Quebec. No doubt Premier Lévesque would have frowned on any anglophone premier being knighted "Sir" by the Queen of Canada.

• (1640)

Honourable senators, in my view, any distinguished Canadian who is considered for membership in the United Kingdom's House of Lords or any Canadian considered by Her Majesty the Queen for recognition of any kind is a credit to Canada. Every time a Canadian is honoured, I am honoured. We are all honoured. Canada is that much greater a nation for their achievements. I will turn now to Mr. Conrad Black.

Honourable senators, recently the terms "Lord Almost" and "Lord Nearly Nearly" have been used to described Mr. Conrad Black. I distinguish between good satire and ridicule. I distinguish between honest criticism and shaming. Because Mr. Black is rich, some think it is desirable to heap great scorn upon him because somehow he has no feelings. I believe that Mr. Conrad Black is a great and distinguished Canadian. Mr. Black's world is not my world. It is not a world in which I have worked. His is the world of enormous financial initiatives and enormous financial risk — the world of entrepreneurship, competition, commerce and newspaper production. However, it is a world worthy of my respect, even if I have no direct involvement in it. I am a Liberal — a classical 19th century Liberal. Liberalism taught me to respect those individuals who possess those unique personal characteristics necessary for creating wealth and employment for other people. Liberalism taught that the employment of people by private enterprise as opposed to the public purse is the true measure of economic wealth in a community.

Honourable senators, it was thought that the greatest achievement Whiggism — that is, Liberalism as a political concept — had given to the world was the political notion that wealth could be created, shared and enjoyed by each and every person, that wealth creation and wealth enjoyment were not subject to the hereditary principle but were subject to individual human ability, initiative, energy and industry. Mr. Black's life journey from modest means is a triumph for liberalism and the liberal principle. Similarly, liberalism, as against laissez-faire, believed that governments must intervene in the marketplace to protect life, limb and competition and also to provide a social safety net for employees. Mr. Black has created employment for thousands of Canadians, a claim few can make. I respect that. He has also provided competition in the Canadian marketplace of newspapers. I believe it is an honour to Canada that the United Kingdom's Prime Minister Tony Blair recommended Mr. Black for appointment to the House of Lords as a non-hereditary peer and Lord. It is unfortunate that Prime Minister Blair withdrew his recommendation for appointment, and I hope that Prime Minister Blair will see his way soon again to re-recommending Mr. Black.

The Hon. the Acting Speaker: Senator Cools, I must advise you that the normal period of time allotted for your speech has elapsed. However, if you ask for leave and it is given, you may continue.

Senator Cools: Thank you, Your Honour. I would ask leave to continue.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon Senators: Agreed.

Senator Cools: Thank you, honourable senators.

Publishing greats Lord Thompson and Mr. Black are both a credit to Canada, as was former prime minister John Turner. They all represent an historical exchange which for centuries saw Canadians and Britishers, myself included, white and black, sitting in both Houses of Parliament in Canada and in the United Kingdom.

Honourable senators, human behaviour and motivation are a mystery, as is human frailty. This is the human condition. The human psyche is an artful dodger, and human motivation is its accomplice. This paucity of the human condition was revealed to me poignantly in an article about Mr. Nickle's dubiety and spitefulness, written by his relative James Travers. In the September 14, 1999, *Toronto Star* article "Black's peerless battle for honour continues," Mr. Travers wrote:

In a fit of pique and in the absence of then prime minister Robert Borden, Nickle highballed his resolution through the Commons after failing to secure a knighthood for Daniel Gordon, the principal of Queen's university and his father-in-law....

Nickle's revenge was to ensure others didn't get what his family had been denied. His resolution asking the King to refrain from giving titles to Canadian residents swept through the Commons on a wave of public sentiment he did not share.

Nickle's duplicity is a bit of a family embarrassment — W.F. Nickle was my grandmother's sister's father-in-law.

In humility, one can only pause, reflect, meditate and pray on the sadness of those many political actions of individuals, politicians and parliaments, and of journalists which have been actuated by the tragic yet dominant human weakness that can only be described as mean-spiritedness.

Hon. Joan Fraser: Honourable senators, I have a question and, if Senator Cools will permit, what I believe to be a factual correction. I do not think anyone can dispute Mr. Black's achievements in the field of publishing. However, if you were to

examine the financial statements of the companies he controls, you would discover that employment in the newspapers he controls has diminished substantially, not grown, since he acquired them.

My question for the honourable senator relates to the nature of honours that the senator would deem appropriate for Canadian citizens to accept or to be granted by foreign governments. There is a distinction to be drawn between honours that are purely honorific, such as a knighthood or the Légion d'honneur, and honours that make one a legislator of a foreign country. The House of Lords is a body of legislators. They may not have quite as much power as we in this chamber do, but surely we in this chamber are well placed to understand that it is not an empty thing to be a legislator.

Does my honourable friend see a distinction to be drawn between these two types of honours and whether they ought to be considered differently, it being now 50 years or so since an act of peerage was taken up by someone active in the Canadian media business? I note, for example, that Mr. Kenneth Thompson deemed it inappropriate to assume his father's title when the late Lord Thompson died.

Senator Cools: I thank the honourable senator for her question. I hope that she will speak to some of the issues that she raises and perhaps join the debate. I know little about Mr. Black's financial statements and, to be frank, I have no interest in them whatsoever.

On the question of honours and foreign governments, I do not consider the Queen of England to be a foreign government. I should like to make this point clear and as strenuously and vigorously as I possibly can. This is the Queen of Canada, who is my queen. When I walked into this chamber in 1984 and was escorted down this very aisle, I put my hand on the Bible and took an oath, and it was to that Queen that I took that oath of allegiance. The Queen of Canada is not a foreign government.

Perhaps I misunderstood the senator. If I did, I would be happy if she would clarify.

Honours are being conferred all the time. Canadians are serving in legislatures all over the world. As the senator will recall, I was with her at a meeting of the IPU some months ago, and I encountered Canadian citizens at that meeting who were serving in the legislative assemblies of some Baltic countries, I believe.

• (1650)

The House of Lords is a Parliament, not a legislature, and there is an enormous difference between legislative assemblies and Parliaments. The House of Lords is an old institution. It pre-dates most in the world. Perhaps because many of my dear friends have sat as members of the House of Lords, I belong to that group of Canadians who hold that house in high regard.

When I was a little girl growing up in Barbados, I was taught to believe that, when all else failed, there was the right of appeal to the House of Lords. I do not share in this rush to end the life of upper chambers, including that of the House of Lords.

Finally, on the question of honours, there are endless honours. There are honours that confer titles, and others that do not. There are honours that confer precedents, and others that do not. There are honours that include rank, and others that do not. There is a variety of honours. I invite the senator to join me in putting forward a proposal here for a study of honours and Canadian entitlement to them.

In this modern era of the conferring of honours, I do not think that in Canada Her Majesty has been conferring too many hereditary honours. I have not been able to find new hereditary honours. I listed countless knighthoods in my inquiry. The examples that immediately spring to mind are obviously Lord Thompson himself and, of course, the former prime minister of Canada, R.B. Bennett, who, as we know, was made a viscount in 1941.

Clearly, the point is being obscured. The fact of the matter is that Mr. Black was recommended for a non-hereditary life peerage and, in my opinion, that is a noble aspiration.

On motion of Senator LeBreton, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. John B. Stewart, pursuant to notice of November 2, 1999, moved:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. John B. Stewart, pursuant to notice of November 2, 1999, moved:

That the Standing Senate Committee on Foreign Affairs be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until Tuesday, November 16, 1999, at 2:00 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)
Thursday, November 4, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02							
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02							
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13							
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin)	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	99/11/02							
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02							
S-8	An Act to amend the Immigration Act (Sen. Gitter)	99/11/02							
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03							
S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault)	99/11/04							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
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OFFICIAL REPORT
(HANSARD)

Tuesday, November 16, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, November 16, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

CRIMINAL LAW AMENDMENT ACT, 1968

THIRTIETH ANNIVERSARY OF PROCLAMATION

Hon. Lucie Pépin: Honourable senators, whether Canadians realize it or not, the passage, on May 14, 1969, of Bill C-150, the Criminal Law Amendment Act, to legalize contraception and therapeutic abortion, changed our lives irrevocably.

As a young nurse specializing in obstetrics and gynecology, I volunteered my services to women who were preparing for a home birth. Before medicare, almost all the women living in the regions gave birth at home. Five children was considered to be a small family.

Complications during childbirth were not rare, and only the most serious cases ended up being transported on the back seat of the doctor's car to the nearest hospital, and often it was too late to save the baby or perform a caesarean.

Who should be saved, the baby or the mother? The teaching of the Church at the time was clear: Save the child. Furthermore, the Church had clear views on a number of matters: A woman committed a sin if she refused to have sexual relations with her husband, or if she employed another means of contraception. The government was equally adamant that contraception was illegal, as was abortion. Faced with the government and the Church, women had no choice.

For many of us who worked in OB/GYN, the status quo had become untenable and we decided to work for change so that contraception would be available to women.

[English]

Bill C-150, or the "Omnibus Bill," as it is known, passed in 1969. This legislation has done many things for many people. In deference to former prime minister Pierre Elliott Trudeau, it began the process of removing the state from bedrooms of the nation. Sexual preference, reproductive choices and activities were relegated to the private domain, provided they involved consenting adults. For women, doors were opened in a radical

way. There were choices. Finally women gained a modicum of control over their lives, no longer relegated to a life of endless pregnancy, health risks and children they did not have the resources to take care of. This new freedom proved to be a stepping stone for many other freedoms and options that have altered women's place in our society — self-esteem, education, jobs, a voice and empowerment.

Honourable senators, I am very proud to have been part of this process and to have seen real change take place as a result of our efforts — efforts which seemed so natural and necessary at the time. It stands out among the most important endeavours of my life.

This is a wonderful anniversary to celebrate for several reasons, the first of which is for the freedom that it brought in the lives of women and men, and for what it helped women accomplish in Canada. More than that, this anniversary proves once again that change is possible, that people can make a difference in the lives of others, and that commitment and passion can produce wonderful results. Let us celebrate and let us salute all of those committed citizens who worked to ensure the freedoms inherent in Bill C-150.

[Translation]

REVEREND FATHER ÉMILE SHOUFANI

Hon. Pierre De Bané: Honourable senators, I have the honour to speak to you of the recent visit to Canada, from October 10 to 25, of the Reverend Father Émile Shoufani, Director of St. Joseph's Seminary and High School in Nazareth, and parish priest of Nazareth, Israel.

Father Shoufani, familiarly called Abouna Émile by everyone, the Arabic for Father Émile, is a man and a priest with a deep commitment to his Church, the Greek Melkite Catholic Church, his Arab community, and his country of Israel. Father Shoufani was in Canada at the invitation of the Centre d'action bénévole Émilie Gamelin de Joliette, organizers of a heavily attended and highly successful international forum on the stages of life and on ageing.

I would also like to thank the members of the clergy who spared no effort to make this visit a great success. These include His Excellency Monsignor Sleiman el-Hajjar, the Greek Melkite Catholic Bishop for Canada, the clergy of Saint-Sauveur Parish in Montreal, and Monsignor Habib Kwaiter, parish priest of Sts. Peter and Paul here in Ottawa and his assistant, Reverend Father François Beyrouti.

During his visit to Canada, Father Shoufani had in-depth meetings with a large number of public figures, too numerous to mention in their entirety. Among these were the Prime Minister of Canada, the Right Honourable Jean Chrétien; the Speaker of the Senate, the Honourable Gildas L. Molgat; the Minister of Foreign Affairs, the Honourable Lloyd Axworthy; senior officials of the Privy Council, the Prime Minister's department, and diplomats responsible for the Middle East in the Department of Foreign Affairs.

As well, Father Shoufani gave a number of lectures on the situation in the Middle East, one in particular right here in Parliament to the Middle East Discussion Group and another to the Conseil des relations internationales de Montréal. His topic was the new dynamic between Israelis and Palestinians on the eve of a new era. He also gave a large number of press, radio and television interviews. In addition, he gave addresses on specifically religious topics, in particular "the shared future of Christians, Muslims and Jews" at St. Paul University in Ottawa and before the community of Madonna House at Combermere Ontario, where he met the former archbishop of Galilee, Monsignor Joseph Raya, an exceptional man whom I admire greatly. Father Shoufani also met the Archbishop of St. Boniface, Monsignor Antoine Hacault, and the Bishop of Joliette, Monsignor Gilles Lussier.

Surely one of the most moving moments was the meeting between Father Shoufani and the Right Honourable Pierre Elliott Trudeau, former prime minister of Canada and a dominant figure on the Canadian political scene for so many years. The meeting took place on the occasion of Mr. Trudeau's 80th birthday.

• (14:10)

Father Shoufani worked tirelessly to bring together and unite all people in his country, Israel. In our country, he has met many Canadians of Arab origin, especially in Montreal and Ottawa. He has also met a number of leaders of the Canadian Jewish community, along with the Quebec Jewish Congress, and he visited the French-language Sephardic school in Montreal, the école Maimonide.

[English]

• (14:10)

What I find most admirable about Father Shoufani is that his deep respect for life cannot be separated from his conviction that we should strive to make life better for all men and that no one has the right to inflict suffering upon others. His positive approach to solving problems is striking. He is always ready to take the first step to meet others. He always tries to understand and to have empathy with other people's dreams, as well as their thoughts.

The Hon. the Speaker: Senator De Bané, your three minutes have expired. Are you seeking leave to continue?

Senator De Bané: Yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator De Bané: Honourable senators, Émile Shoufani was born in Nazareth in 1947. As an Arab Christian in the State of Israel, Émile Shoufani has spent 52 years as a witness, through his life and work, to the possibility of reconciling centuries of opposition and violence. His life is a testament to the peaceful coexistence of Jews, Arabs, Muslims and Christians in a region that desperately needs a model of peace and reconciliation.

Émile Shoufani learned, through personal tragedy, the true meaning of forgiveness and respect for others. He serves as a model for others to do the same. Both his grandfather and uncle were killed in the war of 1948, during the deportation of villagers in Eilabun. His grandmother, who suffered through the death of her husband and her son, taught her grandson to forgive.

The eldest of Hanna and Marie Shoufani's children, Émile grew up in Nazareth where his parents were poor but hard-working. He grew up as a part of the Arab minority that remained in the new State of Israel. From the hardship he endured during that period of his life, he learned that humility is a virtue, but not poverty.

A rebel in his teens at St. Joseph's Seminary, he was captivated by a deep awareness of the value of life and a restless urge to make a difference. He decided to become a priest.

While in Paris from 1964 to 1971, following his studies in philosophy and theology, Émile Shoufani read *Treblinka*, by Jean-François Steiner. The work led him to learn more about the Shoah, to visit Dachau, and he returned home having experienced a spiritual transformation and a completely new perspective.

Ordained a priest in the Greek Catholic Church in 1971, he declared during his first sermon:

I feel within me a life in Christ that cannot be vanquished and I want to share this life with all... I want to be everyone's priest.

Very early in his ministry, as a pastor in different villages of Galilee, Abouna Émile became known as a mediator, not only for the settlement of disputes between religious communities of Christians, Moslems and Druze, but as a strong advocate for a true coexistence, not just in the sense of living side by side, but by truly sharing a common life.

When the bishop entrusted him with the direction of St. Joseph's Seminary and High School in 1976, Abouna Émile had already earned the trust of everyone in the area. The fact that many parents of many religious communities entrust their children to him is the evidence of the magnitude of the confidence and respect that he engenders in their neighbourhoods.

In 1976, St. Joseph's Seminary had 200 pupils and was on the verge of closing. Father Émile embraced the challenge of keeping the school open with a will strengthened by his faith. He worked on achieving two goals. The first was to rebuild St. Joseph's into a first-class school that strives for excellence. The second was to instill in new generations of students an awareness and knowledge of their separate histories and identities, but with a full commitment to their integration in the State of Israel.

His first battle was to attract a vibrant body of qualified staff who would share his vision that the school should be concerned not only with instructions but with developing the whole person — "the pupil, as a person, comes first."

The second revolutionary achievement was turning the school into an institution that mixed people of different religions, sexes and cultures. He said:

St. Joseph's is not a Christian school that accepts Moslems and Druze, but a school where Christians, Moslems and Druze live together.

Together with the school community, Émile Shoufani was constantly striving for high academic standards. According to Father Shoufani:

We have to produce the 20,000 to 30,000 Arab academics who are lacking in this country.

Now, 10 years later, the school can compete with the top schools in Israel. Ninety-five per cent of the students graduate. Of these, 90 per cent are accepted into Israeli universities. Today, the school has 1,200 pupils and graduates 120 to 130 women and men annually.

The revolutionary dynamism that motivated Émile Shoufani 24 years ago has not abated. He continues to concern himself with school appointments to the staff and to the board of directors.

In 1989, having established the school's academic strengths and reputation, Father Émile decided to pursue his second goal, a pioneer project of dialogue with "Lyada", a leading Jewish school attached to the Hebrew University in Jerusalem, in order "to give our youth the tools for full integration in the State of Israel while retaining their identity."

A three-year exchange program between Arab and Jewish youth was introduced through which the pupils now learn "to meet the other, erase prejudice, learn to discuss their rights democratically, and work together for peace." Although this exercise is always a painful and a liberating one, today both schools find this program indispensable. Today, the mission for St. Joseph's Seminary is "Education For Peace."

Father Shoufani has declared often:

I feel I belong to this land, with its long and varied history, as an Arab, a Christian, and an Israeli. These differences create no problems for me. My faith gives me a universal vision that allows me to transcend the bounds of the particular to be a better listener to my brothers.

In closing, I should like to add that Father Shoufani was accompanied during his visit to our country by Mrs. Soad Haddad, whom I have had the honour of knowing for over 10 years. What is remarkable about Mrs. Soad Haddad is that from her earliest memories she always felt that she belonged more to the larger human community than to an individual family. Existence for her has always been connected with being on a mission. This is what led her to free herself completely in order to devote herself to the work in which she is involved. She has been walking side by side with Father Émile for over 20 years in service of the Melkite Church and the Arab community of the State of Israel.

After everything is said and done, honourable senators, there are essentially two options before each of us. One is to maximize the differences between human beings, which is easy to do. We can see how many tragic conflicts that principle has caused. The other option is the opposite — namely, to emphasize what is common among people of different socio-economic groups, religions and backgrounds. The second option is a lot more difficult. However, it is undoubtedly the more generous, the more modern, and the one for which all well-intentioned people should strive. This option of bringing people together is the principle that Father Shoufani learned from his parents and the one that has guided him throughout his life.

It is not often that one meets a man of vision and courage like Father Shoufani. It was a great honour for me, who was born in his country, to accompany him and his capable assistant, Mrs. Soad Haddad, on their visit to Canada.

PANEL ON ACCESS TO HISTORICAL CENSUS RECORDS

Hon. Lorna Milne: Honourable senators, I am very happy to rise today to emphasize to this chamber a recent announcement by the Honourable John Manley, Minister of Industry and Minister responsible for Statistics Canada.

Last Friday, Minister Manley announced the creation of an expert panel on access to historical census records. The panel will report to the minister by May 31, 2000, with recommendations on an approach that will balance the need to protect personal privacy with the demands of genealogists, historians and archivists for access to historical census records.

As all honourable senators are aware, I have been lobbying Parliament on this issue for over a year now. I am delighted to see the minister taking a proactive approach to this issue and appointing a panel of five well-respected individuals, one of whom is a former colleague of ours, the Honourable Dr. Lorna Marsden.

I hope that this panel will be able to drum up a few fresh ideas on how to reach an acceptable compromise between the interests of protecting personal privacy and researching our Canadian heritage.

• (1420)

Minister Manley has listened to my lobbying efforts, has taken note of the correspondence of Canadian genealogists, historians and archivists, and has now taken the first step in responding to our concerns through the creation of this panel. This is the beginning of results for all the effort that genealogical and historical groups have put into bringing awareness and public voice to this issue.

I look forward to reading the panel's report early next year.

[Translation]

OFFICIAL LANGUAGES ACT

THIRTIETH ANNIVERSARY OF PROCLAMATION

Hon. Jean-Robert Gauthier: Honourable senators, I should like to mark the thirtieth anniversary of the Official Languages Act, which was proclaimed on July 1, 1969.

This act, supported by the vast majority of Canadians, has advanced the cause of language of service and equitable representation within the public service. There remains, we must admit, however, a long way to go in the area of language of work.

I must recognize, in explaining the success of the act, the considerable support of the Commissioner of Official Languages, the various commissioners and the Standing Joint Committee on Official Languages of the Senate and the House of Commons.

I would ask all Canadians to continue to respect Canada's unique linguistic duality. The Official Languages Act gives English and French equal status, rights and privileges as the languages of Parliament and of the Government of Canada.

The provinces are encouraged to be generous toward the language minority. Some do so willingly, others must be encouraged.

I am well aware of the new efforts that must go into conserving language equality across the country, in both the spirit and the letter of the law, and especially respect for the laws that govern us.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before I call the next item on the Order Paper, I should like to introduce to you

the pages who are with us on the exchange program from the House of Commons.

[Translation]

Rachelle Bédard is studying political science in the Faculty of Social Sciences at the University of Ottawa. She comes from Gatineau, Quebec.

[English]

Marie-Claire Raymond is from Penetanguishene, Ontario. Marie-Claire is studying in the Faculty of Social Sciences at the University of Ottawa, specializing in political science and in Spanish.

[Translation]

On behalf of all the senators, I welcome you to the Senate and hope that your week with us will be a pleasant and interesting one.

[English]

ROUTINE PROCEEDINGS

THE ESTIMATES, 1999-2000

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Dan Hays (Deputy Leader of the Government) tabled the Supplementary Estimates (A) for the fiscal year ending March 31, 2000.

[Translation]

FRANCOPHONE AND ACADIAN COMMUNITIES OUTSIDE QUEBEC

REPORT TABLED ON DETERIORATION OF SERVICES

Hon. Jean-Maurice Simard: Honourable senators, I should like to table the report on the structure prevailing at the present time with respect to the development and cultural development of the francophone and Acadian communities, the progressive deterioration of and dwindling access to services in French, and government withdrawal over the past 10 years.

The title of my report is "De la coupe aux lèvres: un coup de cœur se fait attendre, Bridging the Gap: From Oblivion to the Rule of The Law," and it is tabled in both official languages.

The Hon. the Speaker: Honourable senators, I cannot accept the tabling of a document by a senator unless there is unanimous consent from the Senate. Do I have it?

Hon. Senators: Agreed.

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1) (h), I move:

That, when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, November 17, 1999, at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion adopted.

[English]

THE ESTIMATES, 1999-2000

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE
COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, November 17, 1999, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2000, with the exception of Parliament Vote 10a and Privy Council Vote 25a.

[Translation]

NOTICE OF MOTION TO REFER PRIVY COUNCIL VOTE 25A TO
STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f) I move:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25(a) of the Supplementary Estimates (A) for the fiscal year ending March 31, 2000; and

That a message be sent to the House of Commons to acquaint that house accordingly.

[English]

NOTICE OF MOTION TO REFER VOTE 10A TO THE
STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, November 17, 1999, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set

out in Parliament Vote 10a of the Supplementary Estimates (A) for the fiscal year ending March 31, 2000; and

That a message be sent to the House of Commons to acquaint that house accordingly.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND
DATE OF FINAL REPORT ON STUDY OF CHANGING MANDATE OF
THE NORTH ATLANTIC TREATY ORGANIZATION

Hon. John B. Stewart: Honourable senators, I give notice that tomorrow, Wednesday, November 17, 1999, I will move:

That notwithstanding the Order of the Senate adopted on Thursday, October 14, 1999, the Standing Senate Committee on Foreign Affairs, which was authorized to examine and report upon the ramifications to Canada: 1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and 2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member, be empowered to present its final report no later than December 15, 1999; and

That the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until December 24, 1999; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

• (1430)

QUESTION PERIOD

SOLICITOR GENERAL

CANADIAN SECURITY INTELLIGENCE SERVICE—
LOSS OF CLASSIFIED DOCUMENTS—

REVIEW BY SECURITY INTELLIGENCE REVIEW COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. There have been media reports across Canada of an unfortunate event involving a CSIS officer who left a secure document on the back seat of her car while attending a hockey game in Toronto. Could the minister advise the house as to the level of security attached to said document?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for that question. Obviously it has come to the public's attention through media reports, and subsequently confirmed by the minister in the House of Commons, that a rather serious breach of normal security protocol occurred with one of the employees of CSIS. That matter is presently being reviewed by the CSIS administration.

As to the level of security of the particular document in question, I will need to determine if I can obtain that information for the honourable senator.

Senator Kinsella: I thank the honourable minister for that undertaking. I think it is germane as to whether the document was top secret, secret or confidential.

Parliament established the Security Intelligence Review Committee. The statutory mandate given by Parliament to that civilian review committee is to provide oversight of the activities of CSIS. Is it true that the head of SIRC only learned about this breach through the newspaper, whereas the Solicitor General had knowledge of this matter for quite a period of time — in fact, prior to it appearing in the newspapers?

Senator Boudreau: Honourable senators will appreciate that I would not normally be aware of how the Inspector General for CSIS became aware of this matter or, indeed, SIRC. However, the minister has indicated in the other place that he received notice of it two or three weeks ago. I think it was somewhat clear that SIRC became aware of it some time later than that.

In fact, I can indicate to honourable senators that both CSIS and the Inspector General for CSIS are investigating this matter as we speak. In addition, SIRC, on its own initiative, is now doing a review as well. I look forward to that report, along with honourable senators, and would be happy to make its details available.

[Translation]

Hon. Jean-Claude Rivest: Could the minister tell us whether there is a rule on the handling of documents in the secret service? Can an individual or an agent simply carry documents around? Is there a procedure that seemingly was not followed in this instance?

The minister has told us the federal government will try to look into this to discover what exactly happened. Could the minister be more specific on the nature of the upcoming investigation into this unfortunate incident?

[English]

Senator Boudreau: Honourable senators, there obviously was a breach of security involved in this incident. The individual in question will be part of both the CSIS and the SIRC reviews. As the honourable senator will know, SIRC is an independent external review committee that has taken on this task. I am sure that both institutions will carry out their responsibilities with due

diligence and speed and produce a more detailed review of the events.

[Translation]

Senator Rivest: Honourable senators, obviously there are problems internally. Canada and CSIS work with many countries around the world. Are the minister and the government aware that this incident could seriously damage the credibility of the Canadian secret service?

[English]

Senator Boudreau: Honourable senators, fortunately this particular event seems to be an isolated incident. While it is regrettable and while one would not deny the seriousness of these events, I would hope that they would not impact in a significant way our relationship with other countries, particularly our allies.

Senator Kinsella: Honourable senators, perhaps the minister can shed some light on why it took two whole weeks for the Solicitor General to advise the committee, which will now, according to the minister in this house, review this matter. Why a period of two whole weeks? Is there not a sense of responsibility in the minds of members of this government when they apprehend a matter like this? Parliament established a committee to review matters such as this, and yet the Solicitor General's department wastes two whole weeks.

Senator Boudreau: Honourable senators, I cannot comment directly on the question of timing since I am unaware of exactly when that information was transferred. However, it is my understanding that the Inspector General of CSIS has taken the matter immediately in hand and is addressing it, as is his responsibility.

SIRC exercises a review role over activities such as the Inspector General would be conducting on these matters. I am unaware as to when precisely SIRC would come into the picture.

[Translation]

Hon. Roch Bolduc: Honourable senators, a few years ago there were problems as a result of a leak that concerned the Minister of Finance's budget. In the end, everyone knew, and the minister had to give a quick budget speech.

Is there a government procedure ensuring the confidentiality of documents? If such a procedure exists, are there varying degrees of quality? For example, we are all aware that the Minister of Finance's budget and matters of national security are very secret.

[English]

• (1440)

Senator Boudreau: Honourable senators, I am sure various levels of security classification exist for documents which are handled by CSIS. While I am not specifically aware of the details of each level of security, I will do my best to get that information and share it with the honourable senator.

[Translation]

Senator Bolduc: Honourable senators, I am going to come back to this because we were recently told, with respect to transactions with the Americans concerning defence matters, that we were less than reliable. The Americans no longer wanted to deal with us and give us certain defence equipment permits because we are apparently not very reliable. It is upsetting to be told this by our neighbours, all the more so as our relations with them are generally good. Could the minister bring this extremely important issue to the attention of the Minister of National Defence? Something has to be done, because you can imagine that an affair such as this does not help relations between our two countries.

[English]

Senator Boudreau: Honourable senators, I am certainly willing to pass along the concerns of senators as to the nature of this incident. I will indicate the seriousness with which honourable senators view this very unfortunate series of events. However, I do not know that I would share the view of the honourable senator as expressed in the preamble to his question. The ITAR situation falls under a different category of issues.

It is certainly a matter of concern when any confidential piece of information or document is mishandled as, evidently, this document was mishandled. The investigation is underway not only internally at CSIS but also by SIRC. I am confident that the appropriate remedial measures will be taken and that the individual involved will be dealt with appropriately.

JUSTICE

POSSIBILITY OF FURTHER ASSISTANCE TO PROTECT PEOPLE AGAINST VIOLENCE

Hon. Herbert O. Sparrow: Honourable senators, I have a question for the Leader of the Government in the Senate. There is concern across the country about the violence being perpetrated by youth upon other youth. Another area of concern is highlighted by a recent Vancouver newspaper article stating that in B.C. another home invasion has claimed the life of an elderly woman.

It seems there is little or no protection for senior citizens in their homes and residences. This is particularly true in the rural areas where the residences are out of the range of police surveillance. It seems nothing is allowable for self-protection against these crimes. I do not wish to get into the gun control issue but, at one time, the farm community was protected by the shotgun. People were afraid to attack the residents of those homes because they may themselves be injured. Under the Criminal Code, pepper spray cannot be used by anyone for self-protection. There is no other means of self-protection for citizens in the rural communities and, now, in the urban areas who are subjected to such intrusions, according to the reports of

break-ins and rapes and murders, and it is instilling great fear in them.

If the minister has no knowledge of this issue at the moment, perhaps he could discuss it with his colleagues, in particular, the Minister of Justice. Is anything coming down the pipe that may be of assistance in providing self-protection for these individuals of whom great advantage is being taken?

Many people cannot afford a gated property with fences and security guards. These people are being left out and are subject to the violence perpetrated by criminals in our society.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the type of situation referred to by Honourable Senator Sparrow is abhorrent to all of us. Under the Criminal Code the potential exists for harsh treatment of such criminal activity by the courts. However, I understand the concern expressed by the honourable senator.

Perhaps the problem stems in part from the way family trends have developed over recent decades. At one time a rural or farming family could count on becoming an extended family so that senior citizens were less often left on their own, living in an independent fashion away from other family members. I am speculating but I suspect if we compared the situation today with 30 years ago, we would find that many more senior citizens are living on their own, rather than as part of extended families. The protection the honourable senator requests is, perhaps, more needed these days for that reason alone.

I have seen statistics indicating that the number of violent crimes in the general population seems to be declining. One must always view such information with some lever of criticism. However, for victims of an attack in their own homes, senior citizens especially, this is a serious matter. I will certainly forward the concern and the question of the honourable senator to my cabinet colleague.

AGRICULTURE AND AGRI-FOOD

FARM CRISIS IN MANITOBA AND SASKATCHEWAN— POSSIBILITY OF PROGRAM FOR FARM CREDIT

Hon. Leonard J. Gustafson: Honourable senators, I have a question for the Leader of the Government in the Senate on the farm crisis which is seemingly getting more severe every day.

On November 2, 1999, I asked the minister whether this government would be willing to make some adjustment for farm credit which would provide relief to some farmers who are not able to meet their payments. The response by the Leader of the Government in the Senate was positive, namely, that these subjects were being discussed but that he would not give away any cabinet confidentiality.

Is there any indication yet of what the government will do in the area of farm credit? This is one area where the government could set a positive example for the banks and credit unions.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I regret that I cannot give a definitive answer on this topic at present. Since we last spoke on this issue, the federal government has added another \$170 million to the AIDA program to allow for more significant help to farmers.

At that time, we were unsure of the response from the provincial governments. We did not know whether they would agree to participate in the program on a 60/40 basis, as they did for the original program. I am advised that, unless there has been a recent change of heart, that has not taken place. The Governments of Saskatchewan and Manitoba both indicated publicly that they would not participate by adding more funds. Perhaps the honourable senator will know whether there has been any change in that stance.

I find that response difficult to understand. Both premiers came here to emphasize the crisis situation and the need for immediate assistance. As a matter of fact, in the last five years or so there have been dramatic cutbacks in the assistance the two provincial governments have given to farmers in their provinces.

• (1450)

When they demanded very dramatically that the federal government do something, the government put \$170 million into the program. Perhaps it was not everything the farmers wanted, but it was definitely a positive measure. However, the responses of the Governments of Manitoba and Saskatchewan appear to have been wanting.

Senator Gustafson: Honourable senators, the honourable minister is not answering my question about farm credit, which is a federal responsibility. There is no sharing with the provincial governments. Those monies are advanced by the federal government.

However, with regard to the AIDA program, in the area in which I live, the people who are getting AIDA money are financially well off. They may have oil wells on their land or very good income from other sources, and they did not have to diversify. The farmers who need the money are not receiving it. I should like there to be an inquiry undertaken to find out who is getting the money. The poor families that need the money are not getting it. That is what I have been told by farmers right across Saskatchewan.

Returning to the issue of the Farm Credit Corporation, will the government provide some relief to farm credit debt? The Farm Credit Corporation is not shared with the provinces; it is strictly a federal responsibility.

Senator Boudreau: Honourable senators, I am not trying to dodge the question of the honourable senator. I simply cannot answer it today. Obviously, that issue lies with the minister. As soon as I am in a position to give a definitive answer, I will be more than happy to do so.

Honourable senators, both provincial governments involved have expressed, in a very dramatic way, in Ottawa and elsewhere, great concern for the farmers. It is not an excuse for them to say that the program is not working perfectly. We know that. Senators on both sides of the chamber made that clear in the emergency debate that the Honourable Senator Gustafson brought to the floor of the Senate. However, the program was designed by the federal government in cooperation with the two governments which now, having made their dramatic gestures, have backed away from a real commitment. If they did not like the program, they could have suggested that it be revamped. The Minister of Agriculture is trying to ensure that the program will work more effectively. However, the fact that the program is not working perfectly is no excuse for the actions of both of those premiers.

AGRICULTURAL INCOME DISASTER ASSISTANCE—
EFFICACY OF PROGRAM

Hon. Herbert O. Sparrow: Honourable senators, the Saskatchewan government has put \$200 million into the program, but it is not being spent because the federal government is not spending its portion of the money. There is money waiting to be spent, but the federal government is not organized in order that the money can be distributed.

The Leader of the Government in the Senate spoke of an extra \$170 million. That is for all of Canada, not for the area where the problem we are talking about exists. The department itself stated that it will top up the grants that have already been issued. Therefore, it is not looking after the majority of farmers, who have received nothing, some of whose applications are still on the desk after six months.

The Governments of Saskatchewan and Manitoba put into the program the money that they were requested to contribute. The leader has stated that the governments agreed to that. We are continually told that the governments and the farm organizations agreed to that. However, that is not the truth. That which was proposed was agreed to, but when the program came out it was different and the provinces said, "No, that is not the program we bought into." The Canadian Federation of Agriculture and all the farmers said, "No, that is not the program we bought into." Yes, they will fight it because the money is not getting to those people who are in need.

Surely, Mr. Minister, you can go back and say, "We have discussed this in the Senate chamber and with a large delegation that came to speak to us; and it is not working." The Senate Agriculture Committee and the House of Commons Agriculture Committee know that this is the case, but we keep saying that it is not our fault.

Will the Leader of the Government in the Senate ask the Minister of Agriculture to damn well tell us if the government does not intend to do anything, so that we can go down with some dignity?

Some Hon. Senators: Hear, hear!

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, as was said by colleagues on both sides during the emergency debate, the program is not working effectively and must be repaired. There was general agreement on that and that message has been communicated clearly. I would not suggest for a moment that that is not the case.

Honourable senators, I am saying that there was an opportunity for the provinces to contribute in a significant way. It may be the view of everyone in this chamber that \$170 million was not enough, but it is a concrete contribution and, in my view, it should have been matched by the two provinces.

EFFICACY OF AID PROGRAMS—SURVIVAL OF YOUNG FARMERS

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. What the farmers are facing is death by a thousand cuts. The older, wealthy farmers can afford to ride this situation out because they have been around for a long time. Those being hurt are the young people who want to maintain the family business. We are slowly but surely strangling them. It is death by a thousand cuts, year after year. They slowly sink into bankruptcy.

Rather than having the integrity to be honest and say that there will be no more assistance, that if they cannot survive on their own they will be gone, the government hands out money in dribs and drabs to keep a false hope alive. That is unconscionable.

Does the minister think that is a fair way to treat the young farmers of Canada?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, we should assist young farmers who find themselves in that critical situation in any way that we can. The issue of the Farm Credit Corporation may well be an area that we wish to pursue with the minister.

This is a major problem which, as honourable senators know, has to do with commodity prices in the world market and the fact that our farmers are not operating on a level playing field with others. This is a huge issue with international implications and the solution is to be found at many levels.

• (1500)

I am assured by my colleagues that efforts are being made and discussions are taking place, not only with the Minister of Agriculture and his department, but also on the international scene, to address the larger issue; namely, the lack of a level playing field.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN— AGRICULTURAL INCOME DISASTER ASSISTANCE— PAYOUTS TO APPLICANTS

Hon. Mira Spivak: Honourable senators, my question is for the Leader of the Government in the Senate. Though we have seen some valued efforts to look at the situation on the part of the honourable minister, there is still no indication of the urgency of

the situation and the crisis. It is all very well to talk about the little steps that have been taken with the money or to refer to the international situation; however, we have here an urgent situation. Urgent situations require more radical solutions, such as, perhaps, scrapping the AIDA program and doing something completely different to really assist those in need.

About a week ago, I was told by people in the farming community in Manitoba that about 59 per cent of farmers' applications had been rejected. Does the minister have any indication given the apparent restructuring of AIDA, that the situation is improving? How soon will it improve? As time goes by, the situation is becoming worse and worse.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I can assure the honourable senator that both the larger issue as well as the specific issue that she raises on rejection percentages is being monitored on a day-to-day basis. Whether or not there is significant new data available since the initiatives were taken, I am not certain; however, I will certainly inquire and relay the inquiry of the honourable senator.

Senator Spivak: What is the probation period for this new restructuring before the government concludes that the game is not worth the candle?

Senator Boudreau: As with any program, honourable senators, the minister responsible will monitor it, and in this particular situation, I am sure he will monitor it on a day-to-day basis. I hope that the results will make themselves known rather quickly.

I cannot say when he might exercise his judgment that further changes are necessary or that the program is now operating at a much higher level. It would be difficult for me to say when he will make that judgment. However, I am sure he will be monitoring it on a day-to-day basis.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. However, I saw Senator Gustafson indicating that he would like to ask a question.

Is that a supplementary question to a previous question?

Hon. Leonard J. Gustafson: Yes, Your Honour.

The Hon. the Speaker: Please proceed.

FARM CRISIS IN MANITOBA AND SASKATCHEWAN— REQUEST FOR VISIT BY PRIME MINISTER

Hon. Leonard J. Gustafson: Honourable senators, given the crisis, would the Leader of the Government in the Senate convey to the Prime Minister a request that he come out and look at the situation himself? Western Canada deserves to have the Prime Minister come out and take a look at the situation first hand.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I will certainly bring that representation to the Prime Minister.

[Later]

ENVIRONMENT

NOVA SCOTIA—RESPONSIBILITY FOR CLEANUP OF TOXIC WASTE SITES—REQUEST FOR ANSWER

Hon. Lowell Murray: Honourable senators, some weeks ago I put a question to the Leader of the Government concerning the stand of the government with regard to liability for abandoned mine sites in Cape Breton. Bill C-11, the bill to wind up Devco, is now before the House of Commons, and I should like to see an answer to that question before the bill arrives here.

I appreciate that the Leader of the Government offered us his own curbstone legal opinion on the matter, which is probably the right answer, but the question is: Do the law officers of the Crown agree with him?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I should be happy to answer the honourable senator in regard to this question. At one time, people were happy to pay for that curbstone legal opinion. Those are what I refer to as the good old days.

I have seen legal opinion on this matter. The legal opinion I have seen, and I would be happy to share it with the honourable senator and any one else who is interested, is that the bill will not impact liabilities existing prior to the passage of the bill.

I can provide the information to the honourable senator in much more detail than that and I undertake to do so.

Senator Murray: I wish to know the position of the government with regard to the liability of those abandoned mine sites.

Senator Boudreau: I can safely tell the honourable senator that the government would love someone else to assume the liabilities. However, I do not know whether I could be very confident of that.

[Later]

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTER FLEET— POSSIBILITY OF LEASING—REQUEST FOR ANSWER

Hon. Gerry St. Germain: Honourable senators, I address my intervention to the Leader of the Government in the Senate, as well. I asked a question on November 4 with regard to leasing helicopters as a means for possible replacement of the Sea King helicopters, and the minister was to inquire of the minister on that particular subject. Will an answer be forthcoming, or should I pose the question again during tomorrow's Question Period? I am bending the rules, Your Honour, to get my question in.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, to deal with the matter quickly, an answer will be forthcoming.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have delayed answers to four questions. First, a question raised in the Senate on November 2, 1999, by the Honourable Senator Forrestall, regarding the West Nova Scotia regiment and the appointment of an honorary colonel. Second, a response to a question raised in the Senate on November 3, 1999, by the Honourable Senator Kelleher, regarding a possible consulting contract with a firm employing a former ambassador. Third, a response to a question on November 3, 1999, from the Honourable Senator Roche regarding nuclear disarmament, the policy of the government on the New Agenda Coalition resolution. Fourth, a response to a question raised in the Senate by the Honourable Senator Oliver regarding efforts to increase employment of visible minorities in the government.

NATIONAL DEFENCE

WEST NOVA SCOTIA REGIMENT— APPOINTMENT OF HONORARY COLONEL

(Response to question raised by Hon. J. Michael Forrestall on November 2, 1999)

The West Nova Scotia Regiment is among the distinguished Reserve units of Canada. Like all Reserve units, it is an important part of the Canadian defence team.

With respect to the appointment of a new honorary colonel, an individual has been recommended for the position. This recommendation is currently being reviewed.

FOREIGN AFFAIRS

NEW AMBASSADOR TO WORLD TRADE ORGANIZATION— POSSIBLE CONSULTING CONTRACT WITH FIRM EMPLOYING FORMER AMBASSADOR—REQUEST FOR TABLING

(Response to question raised by Hon. James F. Kelleher on November 3, 1999)

1. No, Mr. Weekes is on leave without pay from DFAIT and has no contract with the Department. That would be a conflict of interest and Mr. Weekes knows well the code of ethics that pertain to his situation.

2. No, APCO has no contract with the Government of Canada.

UNITED NATIONS

NUCLEAR DISARMAMENT—POLICY OF GOVERNMENT ON NEW AGENDA COALITION RESOLUTION

(Response to question raised by Hon. Douglas Roche on November 3, 1999)

After careful, very intensive, high-level consultation, Canada decided to maintain its abstention on this year's "New Agenda" resolution.

Our decision was not, for the most part, a response to the text of the resolution. This year's text has evolved considerably and favourably relative to that we examined last year.

The Government of Canada also shares much of the New Agenda Coalition's assessment of the serious strains on the NPT-based nuclear disarmament and non-proliferation regime.

In our view, however, concerted action to address the many challenges facing the nuclear disarmament and non-proliferation regime will require the broadest possible base of support.

The nuclear-weapon States and their partners and alliances need to be engaged if the goals of the New Agenda resolution are to be achieved.

For our part, we intend to continue to cooperate with all like-minded states in the relevant fora to build greater support for advancing the key aims of the nuclear non-proliferation and disarmament regime.

As a member of NATO, Canada was pleased to note the increase in the number of NATO non-nuclear-weapon states sharing a common position in this year's vote.

The issues addressed by the New Agenda resolution will be before us again in next spring's NPT Review Conference.

The Canadian Government will be working to ensure that that Conference reinforces the Treaty and restores momentum to the fulfilment of its goals.

HUMAN RESOURCES DEVELOPMENT

EFFORTS TO INCREASE EMPLOYMENT OF VISIBLE MINORITIES

(Response to question raised Hon. Donald H. Oliver on November 3, 1999)

Information on Visible Minorities in the federal Public Service is based on the principle of voluntary

self-identification. The latest available figures indicate that out of a total of 248 employees at the EX-4 and EX-5 levels (Assistant Deputy Ministers), five or 2.0 per cent have self-identified as members of a visible minority group. Self-identification data is not available for Deputy Ministers or other Governor-in-Council appointees.

ORDERS OF THE DAY

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Lewis, for the second reading of Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

The Hon. the Speaker: Honourable Senator Murray, before you begin, under our rules you are allowed 45 minutes as the first speaker after the sponsor of the bill. However, you did use up 37 minutes. Therefore, you have eight minutes left.

Hon. Lowell Murray: I shall do my best.

Honourable senators, I was looking upon this as the second half of a speech which I began to deliver on November 4, when I opened debate on behalf of Her Majesty's Loyal Opposition on Bill C-6.

Before proceeding, I wish to correct the record in respect of an inaccuracy that I placed thereon during my speech on November 4. I was discussing efforts that had been made in the past by various political parties to entrench in the Canadian Charter of Rights and Freedoms a right to privacy.

I stated, mistakenly, that Mr. Chrétien had been Minister of Justice in the Trudeau government prior to the 1979 election. He was not. Mr. Chrétien became Minister of Justice in the Trudeau administration that took office in March of 1980.

In the course of my speech on November 4, I also opened a parenthesis concerning the confidentially of census data. That matter was raised earlier today during Senators' Statements by our colleague Senator Milne.

• (1510)

I referred to the campaign presently underway which would change the law brought in by Sir Wilfrid Laurier that guaranteed the confidentiality of personal and private information collected in the course of the census. At that time, I expressed my opposition to a change in that law as a matter of principle. Since that time, I have had a number of indignant — indeed, in some cases irate — letters from various people, notably those interested in genealogy. These people represented to me that adequate safeguards could be devised if we would but change the law. My response to them has been and is: Show me the safeguards and we will consider them, if and when Parliament is asked to change that law. However, on the general principle, I am unmoved. I believe that personal and private information collected from individuals by the government in the course of a census on the basis of a law that guarantees confidentiality should be kept confidential. I believe, as a matter of principle, that we should not lightly change that law. After all, census-taking over the years has become more and more intrusive, and just because people die does not mean that the government should be relieved of the commitment of confidentiality it made to those people.

That is my opinion, honourable senators. In places like the Senate, we should be on guard against the apparent attempts by some historians, social scientists and journalists to persuade us that the right to collect and disseminate information should trump every other right in the book. That is why I have advocated that we revisit the idea of entrenching a right to privacy in the Canadian Charter of Rights and Freedoms.

I cheerfully acknowledge that what we have here is a conflict or a clash between two legitimate principles, one having to do with access to information and the other having to do with privacy. As in any similar conflict of principles, one must try to strike a balance. This clash of principles or of values is also apparent in the bill that is before the house today.

As I undertook to do, I met with or had telephone conference calls with or read carefully the briefs of a number of parties who are interested in and have concerns about this bill. I have not changed my mind about the bill. Generally, I think I can speak on behalf of my colleagues on this side in saying that we strongly support the principle and the purpose of this bill, particularly as it relates to privacy. I, for one, would be very reluctant to grant exemptions to the bill.

Having said that, I have had these discussions with interested parties, particularly from the health care sector. I will not take your time today by trying to anticipate the testimony I trust they will be invited to give before the committee. However, I should like to flag some of the main issues the committee will have to address.

Honourable senators, there is extraordinary confusion, which I believe extends right into the government and to its advisors, as to whether and how and where this bill applies to the health care sector. Senator Kirby, the sponsor of the bill, may well want to

address this question when he closes debate on second reading. However, he will have to do better than he did with his careful statement to be found on page 120 of the *Debates of the Senate* of November 4, where he is reported as having said:

Honourable senators, Bill C-6 will apply to all industry sectors, regardless of the size of business. This includes the health care sector. It will provide protection for personal health information it has collected, used and disclosed in the course of commercial activities.

Mr. Manley and the Department of Industry likewise indicate that the bill does not apply to doctors, patients and hospitals. I have to say that this view is questioned — indeed, it is explicitly disputed by many interested parties and their legal advisors. For example, it is disputed by the Canadian Health Care Association, which represents the hospitals, the Canadian Medical Association, the Ontario Medical Association and the Ontario Ministry of Health. What we have here are different organizations whose view as to the substance of this bill and what should be done about it are diametrically opposed. Yet, they are agreed on one point — the ambiguity and confusion in this bill regarding its application to the health care sector is something with which the health care sector cannot live.

The confusion arises, at least in part, because the bill purports to apply to “commercial activity.” What is commercial activity? The definition in the bill is not really helpful. Commercial is as commercial does. It is stated in the bill that:

“commercial activity” means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character....

That is not a very helpful definition. Yet, I am told that the federal statutes are full of definitions almost identical to that with respect to “commercial activity.” The idea is that they let the courts decide what qualifies as commercial activity in any given instance.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Honourable senators, the Honourable Senator Murray's time has expired. Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Murray: I wish to thank honourable senators for their kindness. Frankly, I had not focused on the rule that limited the speech of a senator who responds for 45 minutes. I had not realized that I had gone as long in my first chapter. However, I will not take too much more time.

The question is whether the doctor-patient relationship, in respect of which there is a fee, or the hospital-patient relationship, in respect of which there is a fee, are commercial in nature. Whether they are or not, we still have a problem. That problem is pointed out by the Canadian Medical Association in the following words, which I should like to share with honourable senators. They state:

In the CMA's view, there is no clear way of distinguishing commercial activity from health care activity in a way that ensures that the health care record is subject to different rules than those pertaining to other records. Moreover, the dilemma for government is that even if such distinction could occur, would it be desirable that health records be subject to no rules? Put in another way, will those organizations that currently collect health care information be entitled to claim that since the information forms part of the health record they are not subject to the provisions of C-54?

• (1520)

As you know, C-54 was the number of this bill in the previous session. They go on to state:

Under such a regime health care records would be subject to an even lower standard than that provided for information collected in the commercial context.

That is one view. The same opinion comes from the Canadian Health Care Association, the people who represent the hospitals. A legal opinion that they have obtained from the Montreal law firm of Heenan Blaikie states:

...not only is "commercial activity" in and of itself a highly ambiguous term, but also its application in the context of today's health system is, in our view, totally unworkable. In recent years, the health system has evolved into such a complex and seamless web of services, that any attempt to carve out only "commercial activity" within the health system for the purposes of Bill C-54 could only lead to illogical, senseless and ludicrous results.

While these two organizations, namely, the Canadian Medical Association and the Canadian Health Care Association, take vastly different views as to the substance of the bill, their analysis of the situation is remarkably similar — that is, in the health care sector, to separate out commercial and non-commercial activity is quite simply unworkable.

I do not want to oversimplify but, generally speaking, I think it is fair to say that those organizations in the health care field whose activity is clearly and indubitably commercial are opposed to this bill, and they seek an exemption for the entire health care sector from the provisions of this bill. When I speak of "those" organizations, I am speaking, among others, of the pharmacists, of the laboratories, of the companies that collect and pay for and sell health care data, whether in the aggregate or otherwise, and of certain research organizations and universities in respect of which there is some commercial component to their activity. They believe that the requirement to obtain the consent of the individual before health care data is released is too onerous. They believe that the requirement will seriously constrain the ability to assemble a unified body of information for the purposes of better health care policy and management. They go so far as to suggest

that this bill would result in a serious decline in medical research in the country.

They are joined in seeking an exemption by such organizations as the Canadian Health Care Association, which I have already mentioned, the Ontario Medical Association, the Ontario Ministry of Health, and the Canadian Mental Health Association, or at least its Ontario division.

The Ontario Medical Association says that the bill is inconsistent with Ontario's Medicine Act and with Ontario's Health Care Consent Act. In their view, provincial legislation should prevail. All of these people believe that the way to deal with the privacy of health care information across the country is through interprovincial protocols and not through federal legislation. At this point, I should say that others who are familiar with existing provincial legislation are not so sanguine that that would be a constructive step. Indeed, the Ontario law is sometimes referred to as an "access law" rather than a privacy law.

I do not mean to imply that organizations such as the Ontario Medical Association or the Canadian Health Care Association are indifferent to the privacy of health care information; they are not. As a matter of fact, the Canadian Health Care Association has expressed the fear that this bill, because of its distinction between commercial and non-commercial activity, will lead to a two-tier system of protection: A higher level of protection would be afforded to health information obtained during the course of privately insured health care delivery; and a lower level of protection would be afforded to health information obtained during the course of publicly insured health care delivery.

Again, what we have here is a clash of values or, at least, of priorities. Running through these presentations of the groups that I have mentioned is what I would call an "institutional concern" for the ability to manage and plan and improve the health care system. They see a danger that this bill would impede collaboration between the public and private sectors with regard to the delivery or funding of health care. I have even read in one of the briefs that they believe that this would prevent Blue Cross and Green Shield from carrying out the responsibilities that they carry out in Ontario with respect to the health care system. They think it would make it difficult if not impossible for the federal government to implement the recommendations of its Advisory Committee on Health Infrastructure which reported in February of 1999.

Against these views, we have the very strongly expressed positions of the Canadian Medical Association and the Canadian Dental Association. The Canadian Medical Association insists that ensuring the protection of privacy and confidentiality of the patient record must take precedence over other considerations. They believe that this bill is weak. They believe that the Canadian Standards Association code on which the bill is based is inadequate in respect of the health care sector, and they believe, as they said, that this bill appears to have access to information as its dominant value.

The Canadian Dental Association has told us that we must clarify the bill in a number of important respects. They argue that Bill C-6 fails to satisfy basic requirements to protect individual Canadians from misuses of health information by secondary and tertiary users of this information. Bill C-6 may achieve many government priorities in the areas of electronic commerce, they say, but the CDA believes that the Senate must act to clarify and strengthen the bill as it relates to personal health data.

Both the Canadian Medical Association and the Canadian Dental Association have drafted amendments that they want us to consider and which would, as I read them, essentially incorporate their own codes of privacy into this federal legislation.

Honourable senators, the committee faces a difficult and complex task. It would be tempting to say that, with these sharply opposing perspectives, even in the health care field, the truth probably lies somewhere in between and that the government probably got it right and struck the right balance with Bill C-6. It would be tempting to come to that conclusion or to make that argument, but it would be altogether too facile.

First, the committee will need to try to sort out the ambiguity and the confusion with regard to the applicability of this bill in the health care sector. Health care is altogether too important. The privacy of health care information is too important to saddle the sector with this confusion. It is clear that they cannot live with it because they have all told us so.

• (1530)

If it is not clarified, the danger is that this law, once passed, will be more honoured in the breach than in the observance. None of us want to see that.

Even if we can clarify the ambiguity as to the application of the bill, how do we respond to the Canadian Medical Association and the Canadian Dental Association and their insistence that the bill be considerably strengthened? Should we try to apply the provisions to the entire health care sector, commercial and non-commercial? If we try, do we really have the constitutional authority to do such a thing?

Finally, we must hear from Health Canada on this matter. As far as I know, they were nowhere to be seen during the Commons committee hearings. The bill is jointly sponsored by Mr. Manley and Ms MacLellan, Minister of Justice, each of whom has responsibility for different parts of it. The committee and the Senate need the benefit of the views of the Department of Health on all the issues in this bill as they pertain to the health care sector. Personally, I would not insist on having the minister, but most certainly senior officials from the Department of Health must come to the committee and examine this bill with us as it affects the health care centre.

Honourable senators, we have a lot of work to do. Let us get on with it but let us not rush it. On a matter of this importance, let us not submit to any artificial deadlines. We are not looking

down the barrel of prorogation this time. We can take the time that is necessary to do it right.

Honourable senators, I thank you for your indulgence.

Hon. Sheila Finestone: Honourable senators, I listened with a great deal of interest to the constructive observations made by our honourable colleague. He brings to mind and reinforces the importance of our right to privacy and, in essence, our right to be left alone. I think it was Justice Brandeis who said that we all should have the right to be left alone, and I would agree.

The question is whether this bill fills that two-scale need. One scale is the scale of economy and the other the scale of social justice. Many senators facing me today understand the dilemma of balancing economic justice and social justice in a way that is fair to you and me, to the people for whom we are privileged to speak in this house and to all for whom we have a strong sense of responsibility.

Honourable senators, I am particularly delighted to speak to Bill C-6 today. I remember it as Bill C-54, the Personal Information Protection and Electronic Documents Act, from my time in the other place. My delight is all the more pronounced because one of my proudest duties and responsibilities in the other place was to serve as Chairman of the Standing Committee on Human Rights and the Status of Persons with Disabilities. We conducted hearings into a great range of privacy issues and, in 1997, prepared a report called, "Privacy: Where do we draw the line?"

The committee members spent many months studying this issue and travelling across Canada meeting with people. We heard some pretty disturbing stories about the treatment of the disabled and the areas of human rights where they were not being accorded proper consideration. We also heard about challenges of new technology in terms of every citizen's right to keep others from snooping into their personal stories and then using that information for whatever nefarious reason. From our research, I know today that there are many complex parts to this issue. Much work remains to be done to strengthen our fundamental human rights.

I will address my remarks today in particular to Part 1 of the bill and to the protection of personal information in the private sector. That in no way diminishes my concern for the second part of the bill dealing with electronic documents. The provisions in Part 2 of the bill are essential for smoothing the process to electronic commerce which is so important for the Canadian economy today, and that importance will only increase in the years to come.

I focus today, though, on the definition of "privacy" and the use of personal information. The privacy provisions in Bill C-6 represent a significant step forward for those who have seen the urgent need to buttress the protection of this right. By extending the ambit of internationally accepted data-protection principles to the Canadian federally regulated private sector, this bill is taking us one step closer to a comprehensive regime of privacy protection.

Privacy rights and e-commerce privacy laws are already being developed in Europe, in the European Union, at the OECD, in New Zealand and in Australia. The Americans are concerned about not having specific kinds of protection on a commercial basis. They almost lost a huge contract out of Germany because they did not have proper protection, and they were sure to push it forward. They are broadening the scope of that protection so that they can enhance their commercial activity. We must do the same with respect to our commercial activity as well, honourable senators. I am pleased we are moving in that direction with this bill.

I remind honourable senators that privacy is not merely an afterthought in a democratic society. I suggest to you that privacy is at the very foundation of many of the fundamental human rights that are elemental in a democracy.

Since 1983, Canada has had federal data-protection legislation in the Privacy Act. Privacy Commissioner Bruce Phillips addresses these issues, along with matters under the Access to Information Act. Those two acts may sometimes collide, but both have the obligation to protect all citizens.

The Privacy Act governs the collection, use and disclosure of personal information by government institutions. It is quite strong and so far has been effective. Commissioner Phillips has handled that mantel very effectively, in my opinion. That legislation also provides rights to access the personal information held by those institutions, but until Bill C-6 is passed, there is no comprehensive data-protection legislation governing the private sector in Canada, except in the province of Quebec. We are one of the few countries, not only in the G8 or G9, but in the G22, that is far behind with this kind of legislation.

The Privacy Commissioner of Canada has argued that the force that animates decent societies is observance of the principle of fairness. We are to treat each other with a reasonable degree of respect. We are not to go around behind each other's backs with little pieces of information we can use against one another. He said that this is not the kind of open, transparent and candid society we want to build, and I think all honourable senators would agree.

Bill C-6 is a measure of the observance of that principle of fairness and decency. I believe the bill has achieved the delicate balance required between the need for Canadian businesses to have access to personal information in order to conduct their business and the need of all individuals to control the collection, use and disclosure of their personal information.

• (1540)

Many of us have had our mailboxes stuffed with several new kinds of mailings. I believe that if we looked back and asked ourselves what magazine subscription did we buy, or where did we last use our visa card, we might be able to account for what is

coming through our door, in our mail and over our telephones, and we would not be so surprised. However, we are surprised because our names get sold. Each of us is a business, a commodity. To what extent do we wish to control that commodity in the interests of personal information? The effort to strike that balance is evident in the purpose clause of the bill. I would agree that some amendments are needed for greater clarification. Whether we will reach that compromise and that understanding I do not know, however, I certainly would feel more comfortable if that issue was broadened and examined.

The privacy provisions in the bill acknowledge that we live in an era in which technology increasingly facilitates a circulation and exchange of information. These provisions recognize the need to establish rules to govern the collection, use and disclosure of personal information in a manner that recognizes the right of privacy of individuals with respect to their personal information, combined with the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances. I underscore this provision because it was an important amendment that was brought forward. I should like everyone to please remember that particular phrase.

Bill C-6 is not a panacea for all the threats to privacy that modern democratic societies face; however, it deals with one important element of privacy, and that is personal data that may come into the hands of organizations in Canada. The bill provides consumers with rights with respect to their personal information, while respecting legitimate business needs to gather and use this information. Consumers must feel confident — and that is very important with the Internet — and we must build a sense of trust. If our businesses want to profit and grow, they must develop a sense of trust with the people who are using their services. Therefore, the sense of confidence of the consumer that their information will be protected in electronic transactions is absolutely fundamental. At the same time, efforts to protect information relating to individuals must not be so heavy handed as to be unnecessarily costly for business.

The new legislation will require businesses to adhere to a set of fair information practices which were developed by representatives from industry. Consumer advocacy groups, unions and government, and various health sectors were consulted under this CSA act. I believe it is a very broad expression of concern and needs to be taken into consideration in that regard.

They are fair information practices and they are called the Canadian Standards Association model. This model has been tested now since 1996 and it is attached to the bill as a schedule. The model was developed by civil society, business, industry, professionals and NGOs. I believe that is where one of the amendments might well be considered, because it is such a broad-based description and covers a wide spectrum of business undertakings in Canada.

This model sets out the obligations of businesses that collect, use and disclose personal information. Companies must inform individuals of the purposes for which the data were collected, obtain their consent before using or disclosing the information, ensure that the information is accurate for the purposes for which it was collected — not any old purpose in the world, but for the purpose for which it was collected — and protect it with adequate security. The standard also establishes the right of data subjects to see and correct their records and complain to someone about problems. Subjects may complain to someone in the company that is seemingly abusing or misusing or misdirecting that information, and have someone responsible answer to the problem and take action.

There will undoubtedly be debate about the refinements that may be necessary to make the bill more effective. I remind honourable senators that legislation is rarely perfect in its initial form; in fact, there is not much in this imperfect world that is perfect. Experiences with the legislation as it matures will point the way to amendments that make it operate more effectively and more efficiently in the protection of privacy, while respecting the legitimate interests of Canadian businesses to the extent possible.

A question was raised by one of the senators about the health service agency. I know about the CMA and I understand that doctors have a Hippocratic oath, a code of conduct and a code of ethics. Every doctor, dentist and pharmacist should follow those codes of practice. That does not necessarily mean we must have a patchwork quilt a mile thick to ensure that individuals in this society do not have their personal rights to identification and information abridged in any way, shape or form.

Honourable senators, I wish to say how pleased I was to see the bill amended after first seeing it in the other place. There were 16 amendments and a number of those answered many of my questions and concerns. One in particular was about changing the definition of personal information. It was a very significant change, for personal information is now anything that relates to an identifiable individual. That covers such things as surveillance cameras, cameras in washrooms, medical health information, dental information, pharmaceutical information, pharmacies that deliver drugs, as well as research. However, in order to ensure that we do not do anything wrong — this is crucial because our privacy, once lost, can never be regained — it is vital that the definition section ensure that professionals and, for that matter, NGOs, are properly covered. When the NGOs go out and sell their mailing lists that is a good thing, and that should be considered, too.

I am interested in seeing us move towards an amendment to that part of the definition section of the bill. I believe you will find that in Part 1, clause 2, of the bill, which the honourable senator read into Hansard today. Under that interpretation definition it talks about commercial activity. What is a commercial activity? If it is a commercial activity then it should be covered and it should include professionals and non-profit

organizations. That I believe would answer some of the problems that were addressed by these various organizations.

Honourable senators, may I just finish, with your permission?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Finestone: I believe Mr. Phillips has said it better; however, I will say it in general. We are talking about information that relates to identifiable human beings, and quite frankly, I do not wish to think about them in different groups or circles or little get-togethers. In essence, it means that if the information that you have is about me, and you got it because I went to get my insurance policy from you, or be it for my health services, my doctor, or my dentist, it is mine and it relates to me. As my grandchildren would say, "It's mine." It is mine and stop mining it, and there is no way that you will be able to mine it if we pass this bill properly.

The whole point about being non-identifiable to those to whom we do not wish to be known — therefore, the right to be left alone — must be insured under this particular bill and under the definition section. That is something I should hope we will be able to accomplish. I hope the minister will be open to changing that particular definition and making sure that it indicates that we do not care where the information was generated or how it found its way into the commercial world if it has no business being there — it did not receive my permission, it did not receive my review, and I do not want it there.

• (1550)

I believe that we should also look at the issue of the disclosure of data for research found in clause 7(3)(f) of the bill. We heard many complaints about the use of data for research. There are ways to use data without identifying individuals, and that is through non-nominative data. There is no reason we cannot have non-nominative data. With such data, research can be done without revealing identities. The issue raised in this clause is where all this begins and ends.

Honourable senators, in conclusion, this is a very good bill, although it must be fleshed out in some areas and debate must be undertaken in some areas. In the best interests of the people of Canada, I believe that we can look forward to enlightened discussion in committee. We can look forward to ensuring that our privacy will be protected. I believe that Bill C-6, which is one component of a necessary strategy toward that end, will find favour with this house and will become law. I believe that we will be able to do business with the European Union without headaches. I believe that we will meet the OECD qualifications. Most important, I believe that we will protect the personal information of everyone.

On motion of Senator Oliver, debate adjourned.

**NATIONAL DEFENCE ACT
DNA IDENTIFICATION ACT
CRIMINAL CODE**

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Joan Fraser moved the second reading of Bill S-10, to amend the National Defence Act, the DNA Identification Act and the Criminal Code.

She said: Honourable senators, it is a particular pleasure to speak in support of Bill S-10, which amends the National Defence Act, the DNA Identification Act and the Criminal Code. It is in large measure because of the Senate — and more precisely the Standing Senate Committee on Legal and Constitutional Affairs — that this bill exists.

This bill represents the fulfilment of the commitment made by the Solicitor General last fall when the committee was examining the new DNA Identification Act. As you may recall, that act provides for the establishment of a national DNA data bank that will preserve the DNA identification profiles of people who are convicted of serious violent crimes. These profiles are done only after conviction and should not be confused with the DNA work that may be done by investigating police forces during investigation of a crime. This is a post-conviction data bank.

The committee conducted a thorough review of the DNA Identification Act to ensure that Canada has a DNA data bank that is comprehensive but also protects the privacy rights of Canadians. During its review, the committee noted that there was no authority in the bill to collect DNA data bank samples from offenders who are convicted of serious and violent offences in the military justice system. The committee raised concerns about the highly sensitive nature of genetic information, about the rapid evolution of DNA technology, and about the potential for infringing the privacy of Canadians in unanticipated and unforeseen ways.

[Translation]

Because of these concerns, the committee recommended, in its sixteenth report, that certain amendments be made to the legislative measures concerning the DNA data bank. The Solicitor General undertook to follow up on these recommendations by introducing a separate bill before the establishment of the DNA data bank.

The Senate agreed to this approach because the RCMP needed more than one year to establish the data bank. It is now expected that the bank will be up and running by next June.

[English]

Given that Bill S-10 deals with the issues raised in this chamber, the Solicitor General made a special request that it be introduced in the Senate before proceeding to the other place. I am sure we all appreciate this initiative of Mr. MacAulay. It is a prudent approach that will provide us with an early opportunity to review the bill and to satisfy ourselves that it fully addresses our concerns.

Let me now turn to the elements of Bill S-10. It is a highly technical bill, full of cross-references to other legislation, but its main elements are, in substance, quite simple.

First, in the field of defence, amendments are being made to the National Defence Act and the DNA Identification Act to include in the national DNA data bank profiles of offenders who are subject to the military's Code of Service Discipline and who are convicted of serious and violent offences. The code applies to military personnel, the reserves and some civilians who accompany military personnel abroad.

The DNA profile system established in Bill S-10 for the military closely parallels the system that Parliament has approved for civilians.

[Translation]

Following sentencing for a designated offence, military judges will thus be authorized to order the collecting of samples of bodily substances from persons who are subject to the Code of Service Discipline. The DNA profiles so established will be forwarded to the RCMP commissioner for inclusion in the national DNA data bank. To ensure respect for privacy, the enforcement procedures and the guarantees in the Criminal Code will also be included in the National Defence Act.

In addition, military judges can issue DNA warrants for the purposes of military police investigations into designated offences allegedly committed in Canada or abroad by persons subject to the Code of Service Discipline. The provisions of the legislation having to do with the issuing of warrants are adapted to the particular characteristics of the military context. Military police may request DNA warrants when investigating military offences comparable to the secondary offences defined in the Criminal Code for the purposes of the data bank.

[English]

These amendments represent important improvements over the current law. As matters stand now, military police can apply to a provincial court judge for a DNA warrant in the course of an investigation of a designated offence committed in Canada, but there is no avenue for military police to apply for a DNA warrant during an investigation of a designated offence that is committed abroad. The designated offence list in the Criminal Code is also insufficient to deal with comparable serious offences under the National Defence Act or with some uniquely military offences — mutiny with violence, for example. This bill will give military judges the authority to issue DNA warrants for designated National Defence Act offences so that military police will be able to conduct more efficient and effective police investigations both in Canada and abroad.

A second broad area of change addressed in this bill is in direct response to the recommendations of the Senate committee. This bill gives the Senate the same authority as the House of Commons to review the DNA Identification Act five years after its proclamation. Given the highly sensitive nature of DNA

information and the potential for technological change to affect the data bank, Parliament and the public will also be kept regularly apprised of the data bank's operation. The RCMP commissioner will be required to present an annual report on the operations of the national DNA data bank to the Solicitor General. This report will then be tabled by the Solicitor General in both houses of Parliament.

These amendments are specifically designed to give Parliament the necessary tools to oversee the effectiveness of the data bank over time, which was a concern of the Senate committee.

The third major area of change is that the statement of principles in the DNA Identification Act is being expanded. This will clarify that bodily samples and the resulting DNA profiles may only be used for law enforcement purposes. This amendment is intended to address the concerns of the Senate committee about the potential misuse of DNA profiles, such as using them to identify a person's medical, physical or mental characteristics. Indeed, this goes to some of the issues raised in the debate about personal information.

• (1600)

The purpose of this data bank is to identify individuals just as fingerprint records do. It is not designed to compile information on an individual's private characteristics, nor will it do so.

[Translation]

The amendments to the Criminal Code will mean protection as well against any improper use of genetic data on people subject to the Code of Service Discipline. The other amendments to this act will clarify and strengthen the existing regime on the collecting of samples of bodily substances.

Under the new principle I have just mentioned, the Criminal Code will be amended so that the Code of Service Discipline will also be subject to the prohibition against unauthorized use of bodily substances collected and the results of forensic DNA analysis.

[English]

Finally, this bill contains a number of practical changes to the Criminal Code to ensure effective implementation of the DNA Identification Act. The Solicitor General established a federal-provincial-territorial working group last June to plan for implementation of the data bank. During those consultations, federal and provincial heads of prosecution expressed concern that the current law is unclear as to when a court does not have to make a data bank order. The Criminal Code is therefore being clarified to specify that such an order shall not be made if the prosecutor advises the court that the person's DNA profile is already in the national DNA data bank. This will make the system more efficient by avoiding the unnecessary expense of collecting and analyzing duplicate samples of bodily substances from repeat offenders.

To deal with offenders who may be transferred out of a province before a data bank order can be executed, provincial court judges will be able to endorse a data bank order or authorization that was granted in another province.

[Translation]

Two provisions of the Criminal Code, which were not yet in effect, will be repealed because of the negative consequences they would have on the administration of justice. They are the obligation for an officer of the peace to inform an individual identified in an order or a warrant respecting forensic DNA analyses that he or she may express a preference as to the bodily substance collected — blood, saliva or hair — and the obligation of the peace officer to act on the preference indicated. These provisions pose a problem because nothing in criminal law obliges the police to let an individual who is the subject of an investigation choose the method of collecting elements of proof. In addition, as the provincial and territorial representatives pointed out, judges already set out in the warrants the investigation procedure to be followed, and letting the individual choose amounts to allowing their decision to prevail over that of a judge.

[English]

Another Criminal Code provision is being repealed. It relates to the consensual entry in the data bank of the results from a forensic DNA analysis of bodily substances that have been either voluntarily provided during a criminal investigation or taken under a DNA warrant during the investigation. Canadian forensic laboratories have advised that they do not support transferring bodily substances or related DNA profiles to the data bank in these instances because the substances and profiles are routinely retained as case work exhibits in the event of a retrial. In addition, samples taken under a DNA warrant, unlike samples that will be collected for the data bank after conviction, have personal identifiers attached to them. This will make it difficult for the RCMP to protect the privacy rights of individuals, as is required by the DNA Identification Act. To avoid any potential problems, it is now considered necessary to take new samples of bodily substances in all cases when a data bank order is imposed; that is, after conviction.

In conclusion, Bill S-10 proposes amendments to the National Defence Act, the DNA Identification Act and the Criminal Code to permit effective implementation of a comprehensive DNA data bank. The bill not only addresses the recommendations that were made by the Senate committee, but it also fine-tunes the data bank legislation for practical implementation purposes. Together these amendments, to which we in this chamber have contributed so substantially, will assist in protecting privacy rights of Canadians, while giving the police a sophisticated investigative tool that will improve public safety.

On motion of Senator Kinsella, for Senator Nolin, debate adjourned.

[Translation]

INCOME TAX CONVENTIONS IMPLEMENTATION BILL, 1999

SECOND READING—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved the second reading of Bill S-3, to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

She said: Honourable senators, I am pleased to initiate debate on second reading of Bill S-3. The purpose of this legislative text is to implement the taxation conventions between Canada and seven countries — Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan and Jordan — with which Canada has no taxation conventions at this time.

As well, the bill creates a new convention to replace the present one with Luxembourg, and implements a protocol amending certain parts of the convention with Japan. Before I go into the bill in more detail, I would like to take a moment to establish its context.

In 1971, when Canada reviewed and revised its taxation system, one of the key outcomes was an expansion of the system of taxation conventions between ourselves and other countries. At the present time, we have them with 65 countries. For close to 30 years remarkable and continuing efforts have been expended in order to update our taxation convention system, and Bill S-3 is one of these efforts.

Honourable senators, you may be interested to know that, since 1976, 24 tax convention bills have been introduced in Parliament and in the past two years alone conventions or protocols have been established with 14 countries.

Tax conventions are particularly important for Canada because they are directly related to international trade in goods and services and because they therefore have a direct impact on domestic economic performance.

This impact is a large one. Canadian exports now represent over 40 per cent of our annual gross domestic product. In addition, Canada's annual economic health also depends on direct foreign investment, as well as the influx of information, capital, technology, royalties, dividends and interest.

It is therefore obvious that the tax conventions provided for in Bill S-3 will benefit Canadian businesses and individuals engaged in activities and holding investments in these countries. Canadian taxpayers will be particularly pleased to learn that a rate of taxation set in a convention cannot be increased without considerable notice.

In addition, by the mere fact of their existence, tax conventions will create a climate of certainty and stability for

investors and marketers. This climate can only improve Canada's economic relations with each of these countries. Furthermore, by eliminating the need to pay taxes on certain corporate benefits and by establishing a mechanism for the resolution of problems experienced by taxpayers, it will be possible to reduce the complexity and inconvenience of the tax system per se.

Simplifying the tax convention system will stimulate international activity, which will have a favourable effect on the Canadian economy. Finally, eliminating or reducing the double taxation that would otherwise arise in international operations will be the biggest benefit.

If we take into account the convention that is replacing the one in effect with Luxembourg, the purpose of the new conventions provided for in Bill S-3 is twofold: to avoid double taxation and to prevent fiscal evasion. These problems have already been taken into consideration in the convention in force with Japan.

• (1610)

I should point out that previous tax conventions are generally patterned on the model double taxation convention prepared by the Organisation for Economic Co-operation and Development. The possibility of double taxation arises when a taxpayer resides in a country while earning income in another country.

Without a tax convention, both countries could claim tax on that income. Double taxation conventions ensure that the same income cannot be taxed twice. Tax conventions signed by Canada deal with this issue in two ways. First, by dividing taxation rights between the taxpayer's country of residence and the country where the income was generated. Second, if the income is still taxable in both countries, by demanding that the country of residence deem the income to be tax exempt or granting a credit for the tax paid in the country where the income was generated.

Double taxation conventions also promote the exchange of information between tax authorities, so as to prevent fraud or fiscal evasion. This is the second objective of these conventions. The sharing of information helps tax authorities identify fraud and tax evasion and deal with such cases.

As for the conventions provided for in Bill S-3, each country will give the appropriate relief for the tax paid in the other country that is a party to the tax convention.

Canada and other countries usually impose withholding taxes on various types of non-resident incomes. Without a tax convention or a specific exemption in our legislation, the mandatory tax deduction rate for non-residents on such income is 25 per cent. The Canadian system of tax conventions provides several rate reductions that all apply reciprocally.

The country in which the income is generated can withhold taxes, but at a rate that is usually set at 5, 10 or 15 per cent on branches' dividends and benefits, and at 10 per cent on interest and royalties. In some cases, royalties paid for copyright, software, patents and know-how are exempt at the source.

For example, the agreement signed with Kyrgyzstan limits the withholding tax rate to 15 per cent for branches' dividends, interest and benefits, and to 10 per cent for royalties. Some exemptions are provided for interest and royalties on copyright, software, patents and know-how.

The convention concluded with Lebanon provides for the withholding of 5 per cent of dividends paid to a company holding at least 10 per cent of the voting power in the company paying the dividends and 15 per cent in all other cases. Branch profits and copyright royalties, software, patents and know-how will be taxed at the rate of 5 per cent, and interest at the rate of 10 per cent.

In the case of Algeria, a 15 per cent tax will be withheld on all dividends, interest and royalties, and certain exemptions are provided for interest and royalties on computer software and patents.

The convention concluded with Bulgaria provides for a withholding tax of 10 per cent on dividends paid to a company holding at least 10 per cent of the voting power in the company paying the dividends and of 15 per cent in all other cases. In the case of interest and royalties, the rate will be 10 per cent. In addition, there will be a number of exemptions for interest and copyright.

In the case of the convention with Portugal, a company must withhold at least 25 per cent of the voting power in a company paying dividends to be entitled to withholding of 10 per cent of tax on the dividends. In all other cases, a rate of 15 per cent will apply. A rate of 10 per cent will also apply to interest and royalties, with a few exceptions for interest.

In connection with Uzbekistan, the applicable income tax rate applicable to dividends if the beneficial owner is a company which controls at least 10 per cent of the voting power in the company will be 5 per cent of the gross amount of the dividends, and 15 per cent of the gross amount of the dividends in all other cases. A rate of 10 per cent will apply to interest and royalties, while a rate of 5 per cent will apply to copyrights and royalties for computer software and know-how.

The new convention with Jordan sets the income tax rate applicable to dividends paid to a company which controls at least 10 per cent of the voting power in the company which pays the dividends at 10 per cent, and 15 per cent in all other cases. The convention also calls for a rate of 10 per cent on interest and royalties, with certain exceptions applicable to interest on loans made and guaranteed by the government.

Bill S-3 replaces the present 1989 convention with Luxembourg and calls for a rate of 5 per cent on dividends paid to a company which controls at least 10 per cent of the voting power in the company which pays the dividends, and 15 per cent in all other cases. A rate of 10 per cent will apply to interests and royalties, again with some few exceptions for interests and royalties on software, patents and know-how.

As well, Bill S-7 modifies the present 1986 convention with Japan. The protocol with Japan sets at 10 per cent the taxation

rate on dividends between companies and clarifies a number of other provisions.

Among other things, the protocol specifically addresses the issue of Japanese enterprise tax by exempting from such tax Canadian enterprises operating ships or aircraft in international traffic, a courtesy measure already allowed by Canadian provinces to Japanese companies carrying out similar activities.

Honourable senators, the conventions making up Bill S-3 also address other matters relating to taxation conventions. For example, capital gains derived from the alienation of immovable property, shares or interest in a partnership or trust may be taxed in the country of origin.

Discrimination based on a taxpayer's nationality is forbidden. However, incentive measures such as deductions allowed to small businesses and dividend tax credits available to Canadians will not be affected.

Before concluding, I would like to examine the issue of taxpayer migration. Four of the conventions provided for in this bill take into account to a certain degree the rules on taxpayer migration that were proposed by the Minister of Finance and that will be included in the Budget Implementation Act, 1999.

The purpose of these proposals is to amend the Income Tax Act so that Canada will retain the right to tax gains realized by immigrants during their stay in this country.

When the bill was announced last December, the minister said that Canada would renegotiate its tax conventions with the new rules in mind in order to avoid double taxation.

While waiting for these rules to come into effect, Canada has negotiated its tax conventions so as to avoid double taxation at the time when the gains realized by immigrants, before their departure, are taxed.

With respect to Bill S-3, the conventions with Luxembourg, Portugal, Lebanon and Jordan take taxpayer migration into account. The conventions with Uzbekistan, Bulgaria, Algeria and Kyrgyzstan do not, however, because they were negotiated before the proposals were announced. Japan has requested that this issue of taxpayer migration be examined in future negotiations having to do with the convention.

In conclusion, I wish to emphasize that the purpose of the tax conventions provided for in this bill is to avoid international double taxation of revenues transferred from one country to another. These tax conventions will make it possible for Canadian tax policies to be applied uniformly to operations concluded with Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg. They will also create a climate of stability for Canadian investors and marketers in these countries.

Honourable senators, Bill S-3 is routine legislation aimed at promoting fair taxation and maintaining good international and trade relationships.

Taxation fairness — which, as we all know, is a priority for the government — demands that no Canadian be subject to double taxation. The objective of these taxation conventions is precisely to avoid double taxation.

In conclusion, I would like to salute the fantastic work of the team of specialists who helped the government through this long and painstaking process. These officials served Canada very well under the skilled direction of their respective ministers, the Minister of Finance and the Minister of Justice. They deserve our thanks. Since this is not controversial legislation, I urge honourable senators to support it.

On motion of Senator Lynch-Staunton, debate ajourned.

[English]

• (1620)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Furey, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-sixth Parliament.—(3rd day of resuming debate)

Hon. William M. Kelly: Honourable senators, I am delighted to see the many senators on this side who stayed to hear me this afternoon. I am pleased to participate in the debate on the motion for an Address in Reply to the Speech from the Throne. Since I will be retiring from the Senate next year, this will be my last opportunity to engage in this particular debate. I therefore intend to make the most of it.

I am pleased to see the commitment in the Speech from the Throne “to ensure that the Canadian forces have the capacity to support Canada’s role in building a more secure world.” We should not, however, underestimate how much we do to honour that commitment. Since 1988, defence spending has declined in real terms, year over year, to the point where today’s defence budget has a purchasing power roughly equivalent to that of the early 1970s. Our ability to acquire necessary equipment and to maintain the equipment we have has been particularly hard hit by the budget cuts. Personnel in the military regular force, which numbered 87,000 in 1989-90, is forecast to decrease to 60,000 by the end of the current fiscal year. We no longer have the ability to organize fighting units at the brigade level, which is the accepted minimum for a sustainable military action. According to NATO figures, Canada is now at the bottom end of the scale of NATO countries in terms of its regular strengths and its primary and secondary reserve strengths.

There are those who claim that the end of the Cold War also put an end to the need for a large, standing military capability

and created the prospect of a “peace dividend”. As I have stated in this chamber many times, I think they are simply and emphatically wrong. While the threats to security and their origins have changed, the world today is potentially far more unstable, nasty and unpredictable than ever before. We face the prospect of bloody local and regional disputes spawned by nationalist secessionist movements anywhere in the world. We face the threat of terrorism from renegade states and disaffected groups. We have an important continuing role to play in the regional defensive alliances of which we are a part. All of these require a competent, motivated, well-equipped, flexible and responsive military.

Honourable senators, I persist in the belief that the international ripple effect caused by the failure of states will present the most significant security threat to Canada and Canadians for the foreseeable future. Whether they be in Africa, the former Soviet Union, Southeast Asia, Central or South America, states fail, as we have seen, for any number of economic, environmental or political reasons. The failure of states creates a power vacuum which is frequently filled by criminal or terrorist groups that, in turn, cause security problems for other states. We need look no further than the former Soviet Union for illustrations of that sort. The breakdown of the civil power has given rise to a host of nefarious activities.

Honourable senators, last month, for example, Russian authorities arrested six people in Vladivostok as they were about to take six kilograms of uranium 238 out of the country for sale. The uranium came from a plant disassembling parts of the Soviets’ nuclear stockpile and could have been used by terrorists or criminal groups in the manufacture of small, but very dirty, nuclear bombs. It is for this kind of threat that we must be vigilant and for which a competent and standing military and security intelligence is required. While I commend the government for its commitment to the military, I look forward to more details in the next federal budget.

The Speech from the Throne articulates the government’s plans for the advent of the new millennium. It has often been said that this Prime Minister and this government lack the “vision thing”, as George Bush used to say. There is plenty of rhetoric in the Speech from the Throne about preparing for the millennium. I acknowledge the several references to facilitating, for example, electronic commerce and access to the Internet, but these do not constitute a comprehensive vision to secure Canada’s future. The globalization of economies means that all economies have become increasingly interdependent. In fact, the day will soon come when there is no such thing as a “domestic economy”. There will only be one economy and one market. Economies, markets and competition will not be limited by national or regional boundaries. There will be no boundaries. In the meantime, every domestic economy, including Canada’s, is continually scrutinized by international investors and business people to a depth of detail never before possible. Advances in telecommunications technology, particularly advances in e-commerce, mean that investment and other decisions can be implemented in milliseconds.

Capital can flow in or out of a country in an instant. Last year, we witnessed perhaps the first illustration of the impact of these twin forces and e-commerce on the economies and the nations of Southeast Asia and the Pacific Rim. The dramatic outward flows of capital represented a vote of non-confidence by the international investment and business communities. The impacts reverberate today in individual countries, including Canada, and throughout the world. As a direct consequence of the Asian crisis, the Canadian dollar slid in relation to the U.S. dollar as currency traders bought up the U.S. dollar as a hedge against the Asian currencies. Our exports to the Far East suffered as the crisis depressed commodity prices.

Capital and business are no longer bound by geography, time or national allegiances. An economy or government that does not perform as the banks, financiers, investment dealers and credit rating agencies in the financial capitals judge as acceptable can be harshly and swiftly and, yes, arbitrarily, disciplined. While we may not like that, it is no less the case that Canada has no realistic option but to put on what has been referred to as an "economic straitjacket" that signals to all that Canada is a good place in which to invest and do business in the new millennium. The art of government will be to adjust that economic straitjacket in order to perfect the circumstances and requirements of Canada and Canadians and to protect those things that are special to Canadians and that are part of "the Canadian way" such as, for example, our national health care system.

Notwithstanding, as we stand at the portal of the new millennium, Canada has much to do. Our total debt, federal, provincial and municipal is too high and continues to rise. Our levels of personal taxation are excessively burdensome. Despite significant improvements over the past two decades, our economy is still heavily enmeshed in regulation and red tape. We are still heavily dependent on natural resources. Approximately 40 per cent of Canada's GDP is attributable to trade in our natural resources. There remain too many barriers to trade, investment and labour mobility within Canada. Despite considerable progress over the past several years, our basic water, sewage and transportation infrastructures, particularly in our major cities, require substantial renovation and improvement. We must do more to enhance our productivity. We must do more in education, research and development in order to become the type of innovative and adaptable society that will not only survive but will also be destined to prosper in the new millennium.

There is still a considerable gap between what Canada is and what Canada can become. In that regard, I commend the government for its commitment in the Speech from the Throne to reintroduce legislation to protect personal and business information in a digital world, and to recognize electronic signatures. Such initiatives are essential if Canada and Canadians are to be able to participate fully in the opportunities offered by the Internet and e-commerce. The reference does, however, beg the question as to what the government intends to do to address the issues surrounding the encryption of electronic

communications and databases. While encryption is essential to protect the confidentiality of personal and business communications, it presents very grave challenges to our security, intelligence and law enforcement agencies and their ability to decipher unlawful communications and illegal transactions such as money laundering.

Honourable senators, the reference to money laundering reminds me of the commitment in the Speech from the Throne that the government will focus attention on new and emerging threats to Canadians such as money laundering. Our Department of Finance estimates that between \$5 billion and \$17 billion — or, as I read in the paper this morning, between \$17 billion and \$40 billion — moves illegally into and through Canada each year. The Financial Action Task Force on Money Laundering, which consists of 26 countries, including Canada, the European Commission and the Gulf Cooperation Council has been consistently critical of Canada's inaction. The commitment in the Speech from the Throne is encouraging. However, we have a long way to go.

• (1630)

Honourable senators, I was frankly very disturbed by the fact that the Speech from the Throne made scant reference to the problem of illegal migration into and through Canada.

We know that, in order to prosper in the new millennium, Canada must continue to attract immigrants from around the world. It is a cause for concern, therefore, that Canada is failing to meet its targets for landed immigrants.

Canada attracted 13 per cent fewer landed immigrants in 1998 than in the previous year. We appear to be experiencing particular difficulties in attracting skilled workers and professionals. However, this does not mean that we can turn a blind eye to the growing problem of illegal migration into Canada from various parts of the world. This is a very pressing issue, the root causes of which spring from our refugee determination process.

Honourable senators, political correctness makes it very difficult to have an open and rational debate about our refugee policies and procedures. Anyone initiating such a debate or questioning the status quo runs the risk of being cast as racist or anti-immigrant. It does not seem to help to point out that the most of the illegal migrants are not fleeing persecution because of their religious, political or other beliefs, but are what are known as "economic refugees".

Also, it does not appear to help to point out that these illegal migrants have broken Canadian law and that is a very poor way to start a new life in Canada. I take some pride in the fact that the recent Special Committee on Security that I chaired identified and documented the growing problem of organized illegal migration into Canada before it became a topical issue in the media and before it reached its crescendo of activity and publication this past summer.

The fact is that illegal migration into Canada undermines the integrity of our entire immigration policy. Persons who apply to enter Canada through proper procedures and due process see illegal migrants jumping into the queue ahead of them. It is also recognized that much of the illegal migration is conducted by criminal organizations. Not only are these criminal organizations of a particularly nasty variety, they also extract a heavy financial and personal toll from the migrants for the privilege of entering North America. Many of these migrants are forced into a life of servitude in order to pay off the debts owed to the criminal gangs, the so-called "snakeheads", who smuggled them into Canada.

I was pleased to see that a judge in London, England, recently sentenced four people smugglers to jail terms of between 7 and 14 years. Documents tabled in court indicated that the smugglers had extorted about \$1 million from their clients. The judge characterized their activities as wicked, cruel and ruthless. Therefore, we are doing no one a favour by winking at illegal migration. The people who benefit most from lax enforcement and from our rather naive approach to refugee determination are the criminal elements who profit from the smuggling.

We must also recognize that illegal migration is not just a domestic issue. It is an international issue, particularly a bilateral issue with the United States. Experience clearly shows that many if not most of the illegal migrants who enter Canada ultimately end up in the United States or intend to find their way to the U.S. We have become the soft underbelly for organized, illegal migration into the United States which is more dangerous, frankly, than the U.S.-Mexico situation because of the high level of organization and infrastructure for the smuggling of people via Canada.

If Canada is to work closely with the government of the United States to modernize our shared border for the 21st century, as the Speech from the Throne promises, that modernization must extend to making our other borders less permeable to the organized smuggling of people.

In my opinion, the problem is not with our laws, the problem lies with enforcement. Those enforcement problems have been identified time and time again.

The review conducted by the task force commissioned by the former Minister of Citizenship and Immigration discovered that there is no effective system in place to verify compliance with the terms and conditions imposed by immigration officers on those who claim refugee status.

Furthermore, the department of citizenship and immigration does not monitor the whereabouts of most of the refugee claimants, including the thousands of persons awaiting immigration hearings or who have been designated for deportation. Fingerprints of refugee claimants are taken at ports of entry in order to be able to determine whether the claimants have a criminal record or pose a security threat. However, immigration officers told the Senate special committee that the training and the fingerprinting equipment they are required to use

are so inadequate that the prints are largely useless and they are usually simply warehoused. What is needed, therefore, are not new laws or policies, but the political will and resources required for implementing and enforcing the laws and policies that already exist.

The detention of illegal migrants is obviously a sensitive issue. Unlike the United States and other countries, we do not detain illegal migrants unless we have reason to believe that they constitute a criminal or security threat.

The Minister of Citizenship and Immigration has stated her opposition to detention on the grounds that the illegal migrants have done nothing wrong. To detain them therefore would, in her view at least, constitute an infringement of the Charter of Rights and Freedoms.

In my view — and I recognize that this is not popular — illegal migrants have done something wrong. They have knowingly and wilfully broken Canada's immigration laws and that should be sufficient grounds on which to detain them pending their refugee determination hearing. However, those processes need to be speeded up. The rulings must be timely. They cannot expect to detain people for months and months because of insufficient forces to carry out the work promptly.

Honourable senators, finally, I commend the government for its commitment to strengthen the capacity of the RCMP and other agencies to address threats to public security in Canada and to work with enforcement agencies in other countries.

While commendable, once again, we must come to grips with how far we must go. As reported by the Senate special committee, since 1993, the operating budgets of the organizations in the federal security intelligence community have been reduced, on average, by 40 per cent. This has created a substantial challenge for our security and intelligence sector to deal with emerging threats and new types of criminal activities such as money laundering, the smuggling of everything from tobacco, alcohol, drugs and credit cards, to people, and with new trends in terrorism such as information operations or cyber-terrorism. Again, I look forward with great interest to seeing the details in the next budget.

Honourable senators, as we wait for the new millennium, we should reflect on the century that has passed. This has been a century of tremendous instability, unprecedented in its bloodiness due primarily to misguided nationalism and ideological extremism. At the same time, this has been a century of unprecedented advances. The world today would be unrecognizable by someone living in 1899.

One hopes that we have learned some lessons in the 20th century, and that the advances we have made will launch us into a new century that is more just, less susceptible to war, the excesses of nationalism and ideology, and where economic and political freedoms are allowed to flourish. If we learn those lessons, the new century holds for us and for the world unbounded promise.

Finally, honourable senators, in the complex world in which we are moving, I wish the government well, both this government and whatever governments succeed it. It will take a significant amount of wisdom to succeed in the future, far more than has been needed in all the years prior.

Hon. B. Alasdair Graham: Honourable senators, I would begin by congratulating both Senators Kroft and Furey for the excellence of their remarks in moving and seconding the Address in Reply to the Speech from the Throne. Their participation brings credit not only to themselves but to the Senate itself and speaks very well for the future of this institution.

Indeed, I congratulate all honourable senators who have participated in one of the most important debates to take place in the life of any Parliament. I particularly wish to thank both the Leader of the Government and the Leader of the Opposition for their generous remarks.

May I say to Senator Lynch-Staunton and, indeed, to all honourable senators how much I appreciated their patience, good humour and the quality of their advice during Question Period and on other occasions when the former leader of the government was required to participate, at times vigorously, during the various exchanges which took place in the last two and one-half years. While there may have been the very rare occasion when it was necessary to move the puck around a bit before approaching the net, I hope that all honourable senators will understand that I endeavoured to provide as accurate and complete information as was possible under the circumstances on all occasions.

• (1640)

Honourable senators, when Vaclav Havel, the President of the Czech Republic, spoke to the combined Houses of Parliament on a recent visit to Canada, he spoke of a world on the cusp of dramatic change. "The highest value is humanity," he said, and "the state exists to serve the public good, allowing the fullest blossoming of human liberties, rights and freedoms." He went on to praise Canada as a pathfinder nation in the creation of a better world, adding that the "Canadian ethic" enjoyed profound respect in his country.

The Canadian ethic is a perception renowned and widely shared throughout the international community. President Chirac referred to it at the Francophonie Summit in Moncton when he spoke of Canada as a "vast country that seeks and invents the rules of peaceful and tolerant coexistence."

As President Clinton threw away his prepared text at Mont-Tremblant, speaking from the heart about the historic importance of the Canadian federation, all of us who watched and listened thought of the intellectual foundations on which this country was built, of reform and social justice, of compassion and commitment to people. The Canadian commitment to the public good is a concept that lies at the heart of this very special community. It has made this decent, civil and tolerant society a place of hope and promise for millions of people the world over.

The deep roots of our commitment to a better place grew from the soil of an ongoing state and a national passion for balanced equality, a nation-state driven by the engine of reform, by the well-being of the citizen, a point which John Ralston Saul makes so powerfully in his *Reflections of A Siamese Twin: Canada at the End of the 20th Century*. As I listened to his wife, Her Excellency the Governor General, deliver the Speech from the Throne on October 12, it was clear that that ongoing national passion, the passion for balance and service to people, the heart of what we are and where we have come from, remains in spirit as vital and dynamic as it was at the time of our early origins.

In many ways, honourable senators, the Speech from the Throne took us back to the future. The speech maps out a course and a direction for Canadians who long for real identity, real belonging, and all the values which are the anchor of our national identity as this difficult, perilous, yet exciting and adventuresome decade comes to a close.

Now that the government has put our fiscal house in order, and with the impetus of a strong and growing economy, we can move forward to a new era of governance which is fiscally responsible but which wears a human face. With continuing improvements in the financial health of the country, we will do more to ensure that Canadian families have more income in their pockets and that Canadian businesses are better able to compete in the knowledge-based economy.

We began budgeted tax relief even before the budget was balanced. Our balanced strategy allowed us to cut Canadian taxes by some \$16.5 billion over three years and, in the process, remove 600,000 Canadians from the federal tax rolls, and still make key investments in areas such as skills development and health care and children, areas that really matter to Canadians. However, we know that tax reduction is only part of the equation. Canadians want much more from government. They reject the notion of government as a tax collector and an accountant — government based on the short term and the bottom line. Canadians do not want big gaps between rich and poor.

While Canadians have accepted the tough discipline of recent years as part of the duties and responsibilities that citizenship in this great country entails, they have consistently told governments that medicare, for example, is non-negotiable. They have reaffirmed that medicare is an anchor of the Canadian identity. Quality, affordable health care is a cornerstone of Canadian life. It is a hallmark of our society, an expression of the caring and compassionate spirit that makes Canada so unique.

The Speech from the Throne reiterated the Liberal government's steadfast commitment to one of the best, publicly funded systems in the world. The centrepiece of our innovation effort is the creation of the Canadian Institutes of Health, which will foster state-of-the-art health care research across regions and disciplines, and receive over \$500 million in funding. This government is committed to working with our provincial and other partners to test innovative approaches to home care, to pharmacare and to service delivery in ensuring that Canadians have the best health care system possible.

Honourable senators, a new century is almost upon us. Knowledge and innovation are the cornerstones to success in the "Softworld". The Speech from the Throne gives a vision of a country that is ready to seize the opportunities offered by a world where knowledge means power. In this global village, our researchers compete with the world, not just locally. They compete in one global economy, in one market. As we all know only too well, this has major implications for public policy, for we are in a global race where national vision is absolutely essential, where partnerships are key and where government provides the framework so as to better unleash the extraordinary energies of Canadians in all walks of life.

In a world where virtual borders are all part of the reality of change, where once protective walls have disappeared, government must play a visible role of deep credibility and relevance in the daily lives of the Canadian people. Over the last six years of our mandate, this government has developed a comprehensive and ambitious strategy for putting Canada at the forefront of the knowledge-based economy of the 21st century. This has meant an active partnership with our universities and laboratories, with our knowledge-based industries and provinces, with our communities and our wonderful and excellent volunteer sectors and cultural organizations.

• (1650)

This government has recognized that all Canadians must have access to life-long learning and the promise that the digital revolution represents. We believe that smart communities are not and cannot be inhabited by the few for whom knowledge is power. They belong to all Canadians.

Our Connecting Canadians strategy, which aims to make Canada the most connected nation in the world, is based on our belief that the future of this country will be closely bound to the creation of a fair society that is united in the opportunity to access information. Through initiatives under this strategy, such as Schoolnet, the Community Access Program, and Computers for Schools, Canada has become a true knowledge democracy — a place where all Canadians are free to travel the information highway first class.

With the full conviction that the classroom is the engine of our knowledge democracy, we set up the Canadian Opportunities Strategy, which has helped hundreds of thousands of Canadians since 1998 and included the Education Savings Grant, Canada Study Grants, and the Canadian Millennium Scholarships. We have developed the infrastructure for and nurtured a healthy research environment.

That is why we are increasing our support to granting councils and embarking on a bold new venture, creating the 2000 21st Century Chairs for Research Excellence in Canadian universities. University of Toronto President Robert Pritchard pointed out that this initiative alone is the equivalent of recruiting the faculty of a major university almost overnight — a net brain gain of invaluable proportions. As the Prime Minister has said:

We want to make Canada a place where Canadian students and Canadian graduates want to be. We want to attract the global research stars of today and the future stars of tomorrow.

We want to attract them to a place called home, not a place they must leave because of a lack of opportunity, but a place where education and research and the struggle for excellence are cherished as the most valued resources of our nation's capital. It is a place where a healthy environment and a high quality of life go hand in hand, a place where our young people understand that winning is not just about market share but about value and service and commitment to our roots. It is a country that speaks with a moral voice and whose citizens are committed to a sustainable, global society and a better world rooted in the rich soil of humanism.

My friend, Hodding Carter, once wrote that there are only two lasting bequests we can hope to give our children. One of these is roots, the other, wings — roots to walk the earth with compassion and strength; wings to fly further into the future.

It is our children who will take us there. They will take us there with their genius and their dreams, with their hopes and their love, with their talent and their ingenuity, and with their eyes wide open on a better world. However, the challenges facing them are great. Their responsibilities are overwhelming. Honourable senators, it is they, our children, who must win the future.

This government has made a commitment to our tiny babies and our little children. Our commitment is to the best possible start in life. Our commitment is to good shelter and nutrition and green neighbourhoods. It is to allow parents the maximum amount of time possible with their newborn children in the critical early months. It is to help parents who too often must make difficult choices between a job and benefits for their children. It is to provide legal regimes which ensure in cases of separation or divorce that the needs of our children come first. It is to put more money into the budgets of Canadian families through tax cuts.

Yes, our children have rights. They have a right to hope. They have a right to dream. They have a right to grow up equal in this remarkable country that is a symbol of hope and promise to millions the world over — this place called Canada, this place called home.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in rising to participate in the debate on the Speech from the Throne, I begin by extending my best wishes and congratulations to Her Excellency as she begins her tenure as the representative of the Crown in Canada.

Honourable senators, in reflecting upon the role of the Crown in Canada, we are reminded by our colleague Senator Beaudoin that section 17 of the British North America Act, our fundamental constitutional document, points out that the Governor General, together with now 301 members in the other place and 105 senators in the Senate of Canada, constitute our

Parliament of Canada. These 407 Canadians have been given a great privilege and an awesome responsibility. Only 407 individual Canadians serve 30 million Canadians in our Parliament.

As I reflected on the Speech from the Throne and reflected also on Parliament, some of the recurring questions that continued to present themselves were questions such as how well is the ship of state really doing during the watch of we 407 Canadians? Is the practice of freedom stronger or weaker? Will we be leaving Canada a better place after our sojourn here in Parliament?

In reply to these questions, I was drawn to the consideration that a trinity of fundamental institutions lay at the base of our freedom in Canada: One, a judicial infrastructure with an independent judiciary; two, Parliament and the other legislative bodies across Canada; and, three, the voluntary or the non-governmental sector of Canadian society.

• (1700)

As I thought about the first institution, the Canadian judicial infrastructure, and how the Speech from the Throne might bear on it, I was quite frankly more drawn to the outpouring of critical attack on our courts in recent days, particularly during debate in the other place in reply to the Speech from the Throne. As I heard the criticism being heaped upon our courts, I felt that it ought to be of great concern to all of us who recognize that an independent judiciary is a critically important cornerstone in our system of democracy and liberty in Canada. Our highest court, the Supreme Court of Canada, has come under vicious attack from certain quarters. Some of the most boisterous attacks on the judiciary have come from Reform Party members in the other place.

In his reply to the Speech from the Throne, the Leader of the Reform Party in the other place stated:

We have seen the courts increasingly encroach on the prerogatives of parliament to the point where one might argue that one cannot fully interpret the Speech from the Throne until after hearing the speech from the bench.

Well, honourable senators, some listeners may have been amused. Some may have found that to be a quaint or cute proposition. I, personally, was not amused. Neither was I amused when the Leader of the Reform Party in the other place began to heap great criticism on the courts at various levels for decisions rendered in their assessments of government actions — federal, provincial or territorial — as measured against the Charter of Rights and Freedoms. It was as if somehow the court was to be held accountable for the existence of our constitutional Charter of Rights and Freedoms. I would quickly remind all Canadians that it took a resolution passed by both Houses of Parliament and by nine provincial legislative assemblies to bring about the Canada Act of 1982.

It is important for us in Parliament to assess a government's vision and the resulting programs in terms of whether each

program will place our courts in a more difficult or a less difficult circumstance. As I looked at the Speech from the Throne, I could see nothing to persuade me that the government has anything other than a "do nothing" agenda. The government seems to be avoiding serious political criticism with this strategy. It is leaving to the courts the difficult tasks of interpreting highly general or loosely knit legislation. The government has failed to take sufficient leadership in bringing forth the political and legislative vision necessary for Parliament to function in the manner originally envisaged.

Further complicating the independence and function of the judiciary in recent times seems to be the misunderstanding at some levels in the government of the relationship which ought to exist between the executive and the judiciary. Honourable senators have paid very close attention to the rendering of the Supreme Court's judgment in the *Marshall* case. That case recognized certain treaty rights and caused quite unfortunate outcomes in the province I represent, New Brunswick.

During this time, the Prime Minister mused about the possibility of the Supreme Court withholding its judgment on *Marshall* for a period of time to allow the government to introduce regulations necessary to reduce the levels of hostility. While we were all anxious to avoid that hostility, we still faced the question of political interference in the work of the highest court of the land and clearly demonstrated how the executive powers are beginning to flex their muscles in the domain of the judiciary and other institutions integral to our parliamentary form of democracy.

Honourable senators, it is dangerous for any prime minister to be asking the courts to do their job in a manner beneficial to the ruling regime. The law is the law. It should not be bent or customized to suit the preferences of the political party in power at a given time.

Adding to this clouding of the separation of the executive branch from the judicial branch is the virtual knee-jerk reaction of so many members, particularly in the other place. In the years that I have been in this house, I have seldom, if ever, heard an immediate appeal to resolve a serious political problem or social policy problem by resorting to the notwithstanding clause of the Charter. Yet, so often we hear from the other place that the notwithstanding clause can be used to get around a problem. Parliament must be very cautious when that kind of proposition is brought forward.

Honourable senators, I view Parliament as one of the three fundamental institutions governing the practise of freedom in Canada. Many parliamentarians, representing a cross-section of political parties in both Houses of Parliament, as well as some members of territorial and provincial legislatures have begun to express alarm at the failure of leaders in government to properly nurture and be guided by established rules of parliamentary accountability. For example, it seems sometimes that governments do not want their respective legislative body even to be meeting.

An examination of the number of sitting days of the various legislative assemblies and the two Houses of Parliament is quite revealing. Reference the delay in reopening Parliament this fall. The House of Commons, the institution meant to embody our democracy in Canada, has averaged less than 120 sitting days per year. All through the 1990s, our friends in other place enjoyed the dubious distinction of sitting for fewer days per year than either the House of Commons at Westminster or our American counterpart. They sat 12 per cent less than the House of Commons in Westminster and 20 per cent fewer days than the House of Representatives in the United States.

Some members ask why they should bother coming here, that it is a waste of time to sit in Parliament because the government of the day does not bother to listen to its counsel anyway. In many cases, even the government's own backbenchers are punished by removal from committee, for example, because they opposed the might at the centre. Such advocates argue that government views the rules of Parliament as little more than obstacles on the course of realizing partisan objectives.

There are also those who maintain that the inner sanctum of the Langevin Block has collaborated to obscure the actions and decisions of this present government from the purview of Parliament.

Why would the Prime Minister and cabinet minister not have Parliament sit? The answer is obvious, honourable senators. It is easier to get on with the important things, like making speeches or going on foreign trips or collecting donations for two-thirds of the year, if you need not be accountable or answer questions in Parliament. When dealing with potentially damaging or embarrassing issues, one either deals with the issue directly or extricates oneself from the situation, and in the latter case this has meant the Langevin technicians shutting off the lights in the Centre Block so that everyone would be sent home.

Stripping Parliament's capacity to study legislation and important issues of the day is the technique which has been used by the current government to usurp the prerogative of this institution. Within one issue, for example, we find evidence of the centre's unwillingness to allow Parliament to do its work. If you look at the circumstance surrounding the Nisga'a Final Agreement, brokered between the Nisga'a Nation and the Province of British Columbia, it was signed by both after it was passed by the B.C. legislature and accepted by the Nisga'a people.

[Translation]

The Hon. the Acting Speaker: I have to interrupt the Honourable Senator Kinsella and tell him that his time has expired. Honourable senators, is leave granted to continue?

Hon. Senators: Agreed.

[English]

Senator Kinsella: Honourable senators, before Parliament had the opportunity to review the Nisga'a Treaty, the Indian Affairs

Minister had signed the treaty. Moreover, the agreement specifies that, as a tripartite agreement, all signing members agree to revise the treaty where necessary, although the Nisga'a and the Government of British Columbia can only do so after consulting their constituent bodies, it would appear the federal government can agree to treaty modifications through Governor in Council, thus, again, rendering Parliament irrelevant.

Accountability to Parliament has been a particularly onerous thorn in the side of this Prime Minister and his cabinet, which has become his private focus group. Within the cabinet, the Prime Minister has risen above the concept of first among equals. The hierarchical nature of this government continues through all ranks as well. Cabinet quashes the political participation and input of backbenchers, opposition members, committees, and individual citizens. At its fundamental level, the accountability of the Langevin Block to Parliament is next to zero. This frontal assault on parliamentary accountability is alarming and begs asking whether this Speech from the Throne clarifies whether government is still accountable to Parliament.

In our Westminster-derived form of government, the accountability of government is the cornerstone of parliamentary practice, and in this governance paradigm it is considered improper for cabinet and the Prime Minister to dominate the policy function of Parliament without proper and meaningful consultation with the general body of members in both places.

I should like to point out the inadequacy of this government to prevent the erosion of our political system by quoting scholar Philip Norton who, on the topic of the government's failure to conduct itself in keeping with the principle of accountability, writes that, over the years, the instruments of Parliament have dulled. He states:

Government also became less willing to divulge information to the House. Increasingly, MPs were expected to defer to the superior knowledge of government. As government bills came to dominate the legislative agenda, and as those bills became more complex, the House failed to generate the resources to keep up with those developments. Hence, in its relationship with government, the House...lacked both the political will and the institutional resources to challenge the measures formulated by government.

The noted scholar C.E.S. Franks posits the danger of an overly centralized executive to the parliamentary process. He notes that their:

...enormous centralized powers are more like those normally associated with an autocratic dictatorship than with a democratic government...

and that:

Parliament is the central forum for discussion about the use and abuse of political power.

In that spirit, we ask whether the cabinet and the Prime Minister's Office have taken measures to ensure their conduct is properly audited by Parliament, and whether there is evidence of that willingness to be found in this Speech from the Throne which is intended, of course, to set the tone of this parliamentary session. Honourable senators, there has been a shift of power to the other side of the street and many authors have commented on that.

Let me just turn, in conclusion, to the third institution that serves our democracy, that is, the voluntary and the non-governmental sector. It was disappointing, honourable senators, to find not a word in the Speech from the Throne concerning the upcoming world celebration of the role of the voluntary sector in society. One looks in vain to find innovative or creative support of the voluntary sector from this government. Indeed, the opposite is the case. Nearly every promise made in the Speech from the Throne entailed the central government undertaking one action or another.

Surely, honourable senators, given that the United Nations has declared the year 2001 to be the International Year of Volunteers, the government would have made some effort to indicate our national preparedness to underscore the importance of the non-governmental volunteer associations.

In conclusion, honourable senators, if I might refer back to Professor Donald Savoie, to whom we have alluded on other occasions, and his recently published book this year, entitled *Governing from the Centre*. Professor Savoie, in a razor-sharp analysis of the power of the Prime Minister and the change in politics and power in Canada, stated as follows:

Cabinet has now joined Parliament as an institution being bypassed. Real political debate and decision making are increasingly elsewhere — in federal-provincial meetings of first ministers, on Team Canada flights, where first ministers can hold informal meetings, in the Prime Minister's Office, in the Privy Council Office, in the Department of Finance, and in international organizations and international summits. There is no indication that the one person who holds all the cards, the prime minister, and the central agencies which enable him to bring effective political authority to the centre, are about to change things. The Canadian prime minister has little in the way of institutional check, at least inside government, to inhibit his ability to have his way.

With this change in the paradigm, one can fully understand the frustration that members of the other place, and from time to time members in this house, manifest in having no say in the development of policy, but are simply given marching orders to push through a government initiative, sometimes with no reflection on it whatsoever.

Honourable senators, the Speech from the Throne is the mechanism by which the government of the day outlines its vision for the country and sets the tone in which this institution

shall operate. Clearly, the foundations of our system of parliamentary democracy are threatened and little has been done to repair the damage.

• (1720)

Hon. Mabel M. DeWare: Honourable senators, I rise today with pleasure to speak to the recent Speech from the Throne. I enjoyed being here for the opening of Parliament and the pomp and ceremony wherein our new Governor General gave her inaugural speech for the new century.

I wish to talk about two aspects of the Speech from the Throne. They relate to two parliamentary committees of which I was privileged to be a member. One was the Special Senate Committee on Post-Secondary Education, which was chaired by our former colleague the Honourable Senator Lorne Bonnell and reported in December of 1997; the other was the Special Joint Parliamentary Committee on Child Custody and Access, which was co-chaired by the Honourable Senator Landon Pearson. Its report was tabled in December of 1998.

Honourable senators, we in this chamber are all well aware of the importance, both to individual Canadians and to Canada as a whole, of post-secondary education. The benefits that accrue to those who attend colleges, universities and other post-secondary institutions are immeasurable. They include financial benefits that enable graduates to achieve a better standard of living for themselves and their families. They also include other less tangible but just as important benefits in terms of quality of life, which also enables graduates to play a key role in building their communities. In turn, those benefits are passed on to Canada's economy and society, through higher tax revenues, cost savings on social programs, and greater social cohesion, for example. Even more important these days is the competitive advantage that an educated workforce gives Canada in the global economy. Companies in the growing knowledge and high technology sectors are more likely to invest in a country where they can hire well-trained graduates of quality post-secondary institutions.

It is clear that the federal government, too, recognizes the critical role of post-secondary education in Canada. In the Speech from the Throne, it acknowledged "Canada's advantage as a country with the most highly educated workforce in the world." The government further claimed that in the past three years it has taken action to build on that advantage. The Speech from the Throne pointed to measures that make it easier to save for a child's education and to Canada Millennium Scholarships, which the government says aim to make college and university studies more affordable. It also mentioned improved student debt relief and better tax assistance to promote lifelong learning. In fact, I believe it actually referred to these measures collectively as "the strategy."

The government now says it intends to continue to build on that so-called strategy through several initiatives. The Speech from the Throne included the grand pronouncement that Ottawa will:

...forge partnerships with other governments, public- and private-sector organizations, and Canadian men and women to establish a national action plan on skills and learning for the 21st century. This plan will focus on lifelong learning, address the challenge of poor literacy among adults, and provide citizens with the information they need to make good decisions about developing their skills.

Honourable senators, the Speech from the Throne listed three components of this action plan, although I sincerely hope others will be added, and soon. Specifically, the government said it will work with its partners to:

- enable skills development to keep pace with the evolving economy. This work will be led by the Sectoral Councils, which bring together representatives from business, labour, education and other professional groups to address human resources issues in important areas of the Canadian economy;
- make it easier for Canadians to finance lifelong learning; and
- provide a single window to Canada-wide information about labour markets, skills requirements and training opportunities — on the Internet, over the telephone or in person in communities across the country.

Honourable senators, these all have the potential to be very worthwhile measures. Action in these three general areas, which were identified almost two years ago by the Special Senate Committee on Post-Secondary Education, is certainly necessary, not to mention long overdue.

I should also like to commend the government for committing itself to improving Canada's knowledge infrastructure through such things as the creation of the Canadian Institutes of Health Research, increased support to the granting councils, and greater international research collaboration by Canadian universities and institutes, although the details are, once again, pretty fuzzy. Research and development is, after all, another key area that was identified by the Special Senate Committee on Post-Secondary Education. I was pleased that, in keeping with several of our committee's recommendations, the government appears to recognize the value of attracting top-notch researchers and encouraging our graduates to pursue careers in Canada rather than going to other countries. We must make it more attractive for Canadian post-secondary graduates to stay here at home in order to safeguard the competitive advantage our educated workforce gives us.

With the increased attention that Canada's much-publicized brain drain has received, this is a particularly timely intervention. A recent study by the Conference Board of Canada warned that the growing brain drain is threatening to deplete Canada's pool

of skilled workers. Furthermore, Nortel Chief Executive John Roth has hinted that his company could leave Canada if nothing is done to stop the outflow of human capital. Noting that only 7 per cent of Nortel's top executives remain in Canada, he was quoted in *The Ottawa Citizen* November 12 as saying:

What does having headquarters in Canada mean if most of the company's leadership team has left?

Considering that 22,000 Nortel employees work in Canada and that it hires one-quarter of Canadian-trained graduate engineers each year, this should not be taken lightly. Even Statistics Canada, which has been criticized for downplaying the brain-drain crisis, has admitted that Canadian graduates who head south of the border tend to be our brightest and our best. While a number of causes have been identified for this tragic out-migration, it is clear that Canada's system of post-secondary education is a factor. I recall to my honourable colleagues another remark attributed to Mr. Roth in *The Ottawa Citizen* of November 12. He said :

The quality of Canadian grads in engineering and computer science is excellent, but I'm fearful of the quality going down because the education system is not well financed.

Honourable senators, we must ask ourselves whether the measures that the Liberals promised in the Speech from the Throne are sufficient, in the government's own words, "to build on Canada's advantage as the country with the most highly educated workforce in the world." In fact, if implemented, will they be enough to maintain the quality of our educated workforce? I am concerned that much more needs to be done in the post-secondary education sector in order to achieve the results that the government has promised us. I would have felt more comfortable if the Speech from the Throne had offered a bit of substance to back up some of its feel-good buzzwords. I would have felt even better if it had addressed certain areas of post-secondary education, which the government appears to have completely ignored, and areas that I believe are critical if we are to move forward with knowledge into the 21st century and not slide backwards or, if we are lucky, simply tread water.

Keeping in mind the remarks made by Nortel's John Roth, I wish to speak in particular of the funding of post-secondary education in Canada. Federal and provincial support for post-secondary education was identified as a top priority by the committee on which I served. The committee also recommended "that the federal government, while continuing to respect provincial jurisdiction, renew its strong commitment to post-secondary education."

Underfunding of Canadian colleges and universities, in part caused by cuts to the Canada Health and Social Transfer, has resulted in, among other things, higher tuition fees, deteriorating physical infrastructure and equipment, and an inability to attract the best qualified faculty at post-secondary institutions across the country.

In particular, high tuition fees risk placing post-secondary education out of the reach of many Canadian students. The prospect of graduating with crushing student debt loads that are not likely to be offset much by millennium scholarships, for example, can be a big deterrent. While it is important to make loans and other assistance available to students, there must be a limit on how much any individual should have to borrow.

• (1730)

I am wary of the government's Throne Speech promise to make it easier to finance lifelong learning. If it intends to simply make it easier for students to borrow even more money to add to their debt load, then I do not think that is the answer. That would be like putting the cart before the horse.

If, however, the government is planning to provide more grants and bursaries, or some serious debt remission, then I would view this promise in a much more positive light. Canadians will be waiting with interest to see, over the next two years, just what the government has in mind.

In addition, we will be extremely interested to see how the government and its partners will, as the Speech from the Throne indicated, enable skills development to keep pace with the evolving economy. I sincerely hope that it will not simply be a matter of identifying which professions, trades and occupations will be in need of more graduates in the coming years, although that is an important undertaking. Rather, this initiative should be backed up with concrete measures to assist students to obtain the education and training that is required to meet those identified needs.

Again, Canadians will be following the federal government closely on this issue over the next two years. I do not think Canadians should have to wait up to two years for the government to implement the post-secondary education-related promises that it made in the Speech from the Throne.

I remind the government that action in this critical area is needed now. I might also remind honourable senators that this committee report is now two years old, and it was urgent when it was tabled.

Senator Graham was most eloquent in his promises about the future of education in Canada. He has a wonderful way with words. Two years ago, we listened to words of despair from students, educators and researchers about the state of education in Canada. It was not a pleasant overview.

It is timely, therefore, that this government give education a priority place on their agenda on the new century. I really must commend Senator Graham for his remarks today.

Honourable senators, I could speak at much greater length about post-secondary education issues and lifelong learning as these are close to my heart. Indeed, I hope to do so in the near future.

However, I shall now move to the other aspect of the Speech from the Throne that I wish to address, and that is, the reference to child custody and access issues. First, some background is in order.

I had the honour of serving on the Special Joint Committee on Child Custody and Access which was struck in October of 1997. The government created the joint committee to fulfil a promise it made in order to ensure approval of the Standing Senate Committee on Social Affairs, Science and Technology, which I chaired at the time, of the new federal child support guidelines.

As a result, 23 members, representing five parties, spent the next year hearing from hundreds of witnesses and studying very serious issues which affect families affected by separation and divorce.

In December 1998, the committee tabled its report entitled "For the Sake of the Children". It included a wide-ranging series of recommendations aimed at making the current adversarial system of child custody and access arrangements more child-centered. The most important recommendation involved changes which recognized both mothers and fathers must continue to have an important role in their children's lives. These recommendations focus on the concept of shared parenting, which involves joint decision-making, with time-sharing and residential arrangements to be worked out between the parents. With shared parenting, both father and mother continue to be active in the care and nurturing of their children.

In May 1999, the federal justice minister released the government's detailed response to the committee's report. I was pleased to learn that the government is preparing to support the committee's key recommendations, calling for a child-centered approach to family law in cases of separation and divorce.

We were excited, even elated, on the day we learned that the minister was going to act on our recommendations. However, I, along with thousands of Canadian parents and their children, was disappointed to learn that these families will have to wait another three years for any positive action to be taken on their behalf. That is because the government stated in its response that it intends to integrate legislative changes to the custody and access provisions of the Divorce Act into its comprehensive review of the child support guidelines. That is not due until May 1, 2002.

I was heartened, as I am sure you were honourable senators, that there was reference to this issue contained in the Speech from the Throne. In it, the government stated:

...with its provincial and territorial partners, it will work to reform family law and strengthen supports provided to families to ensure that, in cases of separation and divorce, the needs and best interests of children come first.

Clearly, this reference shows that the government recognizes that child custody and access arrangements are a matter of critical importance for many Canadians and that concerns about the current system will not go away.

I am hopeful that government is planning to speed up its planned implementation of the shared parenting recommendations included in "For the Sake of the Children". After all, the Speech from the Throne traditionally sets out the government's plan of priorities for the session of Parliament whose opening it marks.

Recent reports that a federal general election is expected to be called within 18 months, well before 2002, may give some Canadians reason for hope for faster progress. I trust that their hope is not a false one although, given the Liberal government's poor track record so far on custody and access matters, they likely are not holding their breath. Still, we can always keep our fingers crossed. Meanwhile, hundreds of children will not be heard, and will feel the heartache of broken families.

Honourable senators, I appreciate being given the opportunity to speak about these two aspects of the recent Speech from the Throne which, of course, contained much more. Other members of this chamber have been doing a fine job speaking to aspects of it and no doubt others will contribute to this debate.

I would conclude by expressing the hope that the government will listen to and take into account the very real concerns and the reasonable suggestions raised by my colleagues on this side of the chamber.

On motion of Senator Roche, debate adjourned.

• (1740)

ROYAL ASSENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition) moved the second reading of Bill S-7, respecting the declaration of Royal Assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.

He said: Honourable senators, I first must explain what this bill is not. Contrary to a number of recent newspaper reports and comments, it does not call for the abolition of the Royal Assent ceremony as we know it, and which has been followed here since 1867. The bill provides, in addition to confirming the traditional ceremony, an alternative, known as a written declaration, similar to what is practised in the United Kingdom and other Commonwealth countries. The traditional ceremony would be obligatory for the first appropriation bill in a session, and at least once a calendar year.

Honourable senators who were here at the time will recall that a bill nearly identical to Bill S-7, which was then known as Bill S-19, was introduced in the Senate by Senator Murray, the then leader of the government, in July 1988. Senator Doody opened second reading debate a few days later. The debate resumed in September but was short-lived, as the Senate's majority priorities were elsewhere then and not foreign to the

dissolution of Parliament on October 1. The arguments put forward by Senator Doody 11 years ago are still valid today, and many of mine derive from his. The latest effort along these lines was before the Senate in the last session and it, too, became a victim of prorogation. My remarks, therefore, will be similar to the ones made at that time.

To repeat, the purpose of Bill S-7 is not to do away with a formal Royal Assent ceremony as we know it. Indeed, it is retained in the bill, which requires that the current procedure apply to the first supply bill in a session, and at least once in each calendar year.

Keeping the Royal Assent ceremony as we know it and allowing a written declaration as an alternative is a subject that has been before the Senate many times. In 1983, Senator Frith presented an inquiry regarding the advisability of establishing alternative procedures for the declaration of Royal Assent to bills. Following a recommendation in March 1985 by the Special Committee on the Reform of the House of Commons — the McGrath committee — that a new Royal Assent procedure be adopted, the Standing Committee on Privileges, Standing Rules and Orders, chaired by Senator Molgat, recommended changes along the same lines. A careful reading of the debate on the report presented by Senator Molgat indicates general support for the idea but disagreement on how to implement it. A solution was found through the introduction of Bill S-19 referred to earlier, a bill that died as a result of prorogation less than three months later. Bill S-7, as did Bill S-19, incorporates the principles found in that report.

The Royal Assent ceremony as we know it is not required by the Constitution Act of 1867. The relevant provisions are in sections 55, 56 and 57, which deal only with the granting, withholding and receiving of Royal Assent, which is necessary for a bill to be given the force of law. Section 5 of the Interpretation Act provides that the date of Royal Assent is the date of the commencement of an act if no other date is stipulated.

While no law outlines the Royal Assent ceremony itself, a description of it can be found in Beauchesne. The actual arrangements are the responsibility of the Clerk Assistant of the Senate. Canada is the only country to retain the formal Royal Assent ceremony requiring the presence of the sovereign or the Governor General or his or her deputy. The McGrath report noted that "Canada is still using a practice which was abandoned by the United Kingdom Parliament in 1967. In fact, no other Commonwealth Parliament has maintained the procedure still used in Canada."

Royal Assent in Great Britain required the presence of the monarch until 1541, when Lord Commissioners were designated to act on behalf of the sovereign. In 1967, the United Kingdom Parliament passed the Royal Assent Act, which retains the traditional ceremony while allowing a written declaration, as is proposed in Bill S-7, and like Bill S-7, the Royal Assent Act does not specify details respecting the alternative procedure. It simply authorizes it.

Parliament, as we all know, is made up the three entities — the Crown, the Senate and the House of Commons — each of which is essential to a bill being enacted. Our Royal Assent ceremony brings them together for the final step in the sometimes lengthy process before a bill becomes law. While the Crown does not refuse assent, it must still be sought. One commentator has written that Royal Assent is still a necessary formality and is at the same time nothing more than a formality.

I fear, as do others, that what should be an event equal to its significance has become a routine one stimulating little but passive curiosity from those who happen to witness it by accident. Too often, the Governor General is unavailable, and finding a deputy governor general on short notice is difficult and embarrassing. Too often, the deputy may be kept waiting beyond the appointed hour because of unexpected Senate proceedings. Attending members of the House of Commons are usually outnumbered by their officials, particularly if assent is scheduled after the House has adjourned. A late Thursday afternoon Royal Assent means a small turnout of Senators. The atmosphere is one of indifference rather than of respect for an event which, while largely a formality, is nonetheless an essential one and reminds us of the evolution of the parliamentary system over the centuries.

There are those who will argue that Royal Assent is archaic and should simply be done away with altogether. I will not engage in that debate today except to say that as long as Royal Assent is a requirement, let it be given the standing it deserves by treating the ceremony surrounding it with respect for its significance rather than just a bothersome interruption of parliamentary business. What better way of doing this than by having fewer traditional ceremonies during a session? By allowing alternatives, Parliament would, in effect, sanction the importance of the traditional Royal Assent ceremony by making it a special occasion, properly planned and well-attended, rather than an obligation whose repetition dilutes its significance.

Objections to this bill will come from those who fear that it is but the thin edge of the wedge which in time will lead to the end of the ceremonial as we know it today. Bill S-7, however, takes these apprehensions into account. The alternative suggested is to allow a non-traditional Royal Assent at times when it is difficult to get the parties involved, to agree on a time suitable to all, and to have more than a corporal's guard from both Houses of Parliament in attendance. This problem will become more acute once the House, as part of the Parliamentary precinct renovations, moves to the West Block, to be followed by the Senate after the House returns to the Centre Block. This alone, I feel, is reason enough to give serious consideration to this bill.

Honourable senators, I have deliberately not gone into a lengthy, detailed argument in favour of Bill S-7, feeling that this general outline is sufficient to stimulate interest in it. I am indebted to colleagues who have spoken on the topic over the past few years, to the Library of Parliament, and to the thorough research of Senate legal counsel, which together contributed significantly to these remarks, and I look forward to further debate both here and in committee.

On motion of Senator Cools, debate adjourned.

[Translation]

FRANCOPHONE ANDIES OUTSIDE QUEBEC

DETERIORATION OF SERVICES—
INQUIRY—DEBATE ADJOURNED

Hon. Jean-Maurice Simard rose pursuant to notice of November 3, 1999:

That he will call the attention of the Senate to the situation vis-à-vis the development and vitality of francophone and Acadian communities, its gradual deterioration, the growing indifference of governments in Canada over the past ten years, and the lack of access to services in French.

He said: Honourable senators, as agreed between both leaders in the Senate, and I hope all senators will be in agreement, I now give the floor to my colleague Senator Jean-Claude Rivest, who will read my speech. It could exceed the allotted time of ten minutes.

Hon. Jean-Claude Rivest: Honourable senators, let me first say that I am really pleased to take part, in a rather unusual fashion, in the proceedings of this house. As Senator Simard just indicated, he asked me to read the address that he wanted to deliver in the Senate on the tabling of an extremely substantial report. Incidentally, I urge all honourable senators to read the report. It is truly an in-depth and very well-documented study by Senator Simard on the situation of Canada's francophone and Acadian communities.

Since I share the concerns he is raising it is all the more easy for me to read Senator Simard's speech. I would simply ask that, in the *Debates of the Senate*, Senator Simard's speech be under his name, even though I will read it.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Rivest: Honourable senators, I rise to speak to you about an issue of enormous importance, not only to myself but also to the country.

I want to speak to you about an issue that has long been close to my heart, an absolutely vital issue in which I have invested much of my political activity: the vitality and development of Canada's francophone and Acadian communities.

After months of personal thought and research and serious, in-depth consultations, my concerns about these communities' future outlook have become so grave that I dare to term that outlook a national emergency.

When I use the term emergency, and when I say this emergency is national, I not only base that claim on the results of research, but I also draw on the knowledge and experience I have accumulated in over 30 years of public life: I trust the instinct that we all develop in practising our trade to the best of our abilities.

Everything in me tells me that, unless we act immediately and with all the conviction and energy of which this Parliament and this country are capable, it will soon be too late. By refusing to act, out of indifference, and out of the comfortable paradigms of our ivory towers, we shall betray the promise of a country that could have been great, if only it had had the courage to do so.

I say we must act because, if these francophone and Acadian communities that have helped forge a Canadian identity that is recognized and respected worldwide disappear one day, it will be largely because their country's leaders abandoned them. It will be because we preferred to take refuge in the safety of inaction and half measures, while our people asked for no more than a helping hand. It will be because we gave in to threats from a handful of extremists who frightened us with their intolerance and dictated to us our own death warrant.

It will be because we were afraid of being afraid. Deep down inside, each one of us knows perfectly well why we do not speak up about the French fact. It is not that this issue is not important; it is not that it is not urgent. It is because we are afraid: afraid of provoking those elements in Canadian society — which are in fact dwindling — that might be tempted to fan the fires of intolerance; afraid of spending our political capital in English-speaking Canada to defend the French-speaking minorities in those regions; afraid of publicly standing up for Canada's marvellous social vision of linguistic duality that, elsewhere, we still display as a unique example of success.

Is this fear not the ultimate paradox? We are afraid to speak out at home about something that produces admiration, respect and indeed envy in all parts of the world. We are afraid to remind Canadians that our country's founding federation is characterized by unprecedented tolerance between two peoples dedicated to the principle of mutual equality.

On the threshold of the year 2000, we prefer to mollify ideological dinosaurs nostalgic for a less noble era, when a Canada of nine provinces plus one was determinedly anglicizing its society and all its citizens, French-speaking, aboriginal, and newcomers. That policy led us straight to what André Laurendeau of the Royal Commission of Inquiry on Bilingualism and Biculturalism, over three decades ago, called the worst crisis in Canada's history.

In short, we feel that, if we do not talk about the crisis, it does not exist. If we do not admit that the situation of Canada's francophone and Acadian communities has become critical, we do not need to do anything about it. If we do nothing, we cannot be criticized for having done anything. And, in the finest country in the world, everyone will live happily ever after.

We shall witness the glory of inaction and the triumph of indifference.

However, honourable senators, that is not all. We feel that, if we keep quiet, everyone must keep quiet. In other words, when these communities' leaders dare to speak up and denounce the abuses of which they are the victims, we tell them to keep quiet.

I beg your pardon. First we pretend to be unaware that they exist. Then, when their cries get too loud or too public, we give them lip service because we have no choice: after all, Quebec is watching what we do, and what an unflattering impression of Canada Quebec would have if we refused to support endangered francophones! Once the critical moment of timid support has passed and the media interest has died down, however, we quickly bring those troublesome francophones back into line, emphasizing that it will be much smoother sailing if they don't rock the boat. We take minority francophones hostages to power.

This federal government, which should be these minorities' ultimate defender, this government that is constitutionally, legally and morally responsible for ensuring that their rights are respected, attacks the victims, not the guilty parties.

This government not only refuses to act, but also hits these minorities where they are most vulnerable. Their funding is cut, as one would refuse food to an animal that does not obey. And the leaders of these French-speaking communities, still proud but ever hungrier, quickly realize what they have to do if they want more funding. They fall into line. These community leaders are told that, if things were managed "behind the scenes", they would get much better results and progress much faster.

The most troublesome are isolated, using the principle of "Divide and conquer".

I realize that there are those among you — and in the other place — who will take offence at these statements. You will hasten to list government programs supporting the official languages, and the millions of dollars allocated to those programs. You will note the success of Canada's French-speaking communities, the Year of the Francophonie proclaimed by the government, the Sommet de l'Acadie in Moncton, and the Jeux de la Francophonie planned for the year 2001 right here in the National Capital Region. You will be proud to celebrate the tenth anniversary of the Official Languages Act amendment giving the federal government broader responsibilities toward these minorities.

And I shall applaud; I shall congratulate you: Of course these initiatives are worth the time and worthy of praise. But I cannot go home with a sense of duty done, as others in this parliament are tempted to do. I cannot do that, because our real duty remains to be done. There will always be enough bread and circuses to keep people quiet, but no government can ever take pride in that kind of show when, in the trenches, doggedly brave francophones still battle the forces that seek to annihilate them.

You can throw us the world's finest parties, but those celebrations can never mask the truth about a government that refuses to support these francophones, in the face of its constitutional responsibility to do so.

I shall not applaud when I see that even section 23 of the Charter guaranteeing French-language education for Canada's French-speaking minorities is still ignored, in the face of repeated rulings by the courts, including the Supreme Court of Canada, confirming these rights; or when nearly half of the 260,000 Canadian children with a constitutional right to French-language education are deprived of that right and must study in English-language schools or French immersion courses. Not even in education is the battle over.

• (1800)

You will not hear me congratulate you when I see provincial governments taking their cue from federal disengagement from these minorities, downloading responsibilities, and thus wiping out or threatening the gains francophones have made.

You can never alter the sad fact that, more than 30 years after the adoption of the Official Languages Act, equal opportunities, equality of people, real or perceived, is far from being achieved.

You can never make us forget that, more than 30 years after the Dunton-Laurendeau commission recommended that the New Brunswick, Ontario and Manitoba governments introduce official bilingualism, only one of those provinces has agreed to do so. The biggest and most powerful province, which half of Canadian francophones outside Quebec call home, still refuses to recognize the Franco-Ontarian minority's constitutional rights.

The Hon. the Speaker: I am sorry to interrupt Senator Rivest, but it is 6:00 p.m. Is it the wish of the Senate that I do not see the clock?

Hon. Senators: Agreed.

Senator Rivest: It took the Supreme Court to convince Manitoba that it had governed practically illegally for nearly a century, while the disgraceful 1984 incidents, in which certain provincial politicians' spite erupted against Franco-Manitobans.

We should be ashamed to think that, right this minute, a Franco-Ontarian woman named Gisèle Lalonde and a small team are travelling by car to all parts of that vast province to garner support for a project to enshrine Franco-Ontarians' rights in the Charter. You will tell me that Heritage Canada gave her funding for that trip. Is that so? I defy anyone in this Parliament to do what Gisèle Lalonde is doing with \$35,000. You want people to be properly appreciative of that gesture. You would like Franco-Ontarians to be eternally grateful, when we are giving them crusts of bread to do our work for us!

Is this not our responsibility, especially since we in this chamber are constitutionally bound to defend the interests of the least powerful, the most vulnerable, those who have no voice? Is

it not our responsibility to carry the message of the French fact to all parts of the country?

The Heritage Canada grant to the Opération Constitution movement is so laughably small that one is tempted to believe it was given in the hope that this movement would fail. That assumption failed to take into account the calibre of the persons who have decided to carry the torch, come what may.

Is that grant, instead, not a sad symbol of cuts to federal funding for official language communities? What has happened to the principle of equivalence, upheld by the Supreme Court in the *Mahé* case? How can we hope that these communities will develop when they do not have the same access as does the majority to federal government programs?

Canada's francophones continue to rise up like kites, into and against all winds of adversity. These people, hundreds of whom are still found in Acadie, Ontario, Manitoba, and indeed all parts of the country, care about a single cause: Canada.

Canada's francophones believed this government when it said they were full and equal citizens, that Canada was a country for francophones, that in Canada they had their place in the sun. They believed this government so much that this profound conviction continues to lead them to fight for their rights today, in the hope that eventually this government will join them as a genuine ally, not a deceitful mercenary, in completing this forgotten vision.

The time has come for us, in this Parliament, to lend all of our efforts, all of our resources, and all of our voices to those who are successfully resisting and have always defied history. They are a people who refuse to die.

Honourable senators, I humbly ask you to read the report I tabled earlier today. It is a sincere and responsible piece of work, with neither claims to glory nor partisan bias. When you read it, I ask you to keep an open mind, open eyes, and an open heart.

Some sections of the report, like some of my statements today, will not please you. I very much wish things could be otherwise, but we cannot congratulate ourselves on the present situation. We can act, however. We must act.

I ask you to think about the following passage, on page 38 of the report.

It is surprising that, despite all the media coverage, which is aimed much more at causing and fuelling controversy than reporting good news, Canadian public opinion, as noted in Professor Stacy Churchill's analysis, has remained strongly in favour of official languages policies over the past 25 to 30 years. Professor Churchill's analysis has also led him to the conclusion that government administrations have failed lamentably in their attempts to inform Canadians of this support.

This support is the best-kept secret in the country. Over 75 per cent of English-speaking Canadians believe in the equality of the two founding peoples; 62 per cent believe that having official language communities in all parts of Canada is a great advantage for the country.

What do these figures tell us? In my opinion, they tell us not only that English-speaking Canadians agree that francophones — and institutions and public services for francophones — have a place among them, but also that the simple existence of French-speaking minority communities in Canadian society is part of English-speaking Canadians' own identity. In their view, being Canadian means that it is normal to accept that, around them, other Canadians choose to live in the other official language.

These figures also mean that Canadians understand the difference between linguistic duality and individual bilingualism. No one is asking that everybody learn and speak both official languages — even though, in a perfect world, that situation would presumably be the ideal. Linguistic duality means that all Canadians, both English- and French-speaking, can feel at home in this country. They can be born, live, and die in their language. They have institutions and services that speak their language. They are Canadians who also consider it normal for Canadians to live within or outside their language majority and share the whole of the Canadian experience with all of their fellow Canadians.

Honourable senators, these figures also mean that, as is often the case, Canada's politicians have become detached from the Canadian grassroots, where people await only a word, an action, an ounce of courage, to begin celebrating the end of our language wars.

I ask you, honourable senators, to take up this challenge to Canada as a whole.

I ask you to take up the torch from past heroes of Canada's French-speaking communities like former secretary of State Gérard Pelletier and former New Brunswick premier Richard Hatfield; and from one present hero, our colleague in this chamber, the Honourable Jean-Robert Gauthier, the senator for Ottawa-Vanier.

The time is ripe for dynamic, determined, definite recognition of Canada's francophone and Acadian communities. The time has come to act, to affirm and to activate the national will to ensure equality between English- and French-speaking Canadians.

Far be it from me, as a former finance minister in my province, to suggest that we go back to the spending spree that left us with still-too-recent deficits. However, governments are now in an ideal financial position to invest again in building a network of institutions that will give these communities an equal opportunity to succeed. We must complete this forgotten vision.

Personally, although I consider that this investment in the potential of our French-speaking communities should never have been cut out or cut back.

Increasingly, Canadians recognize that bilingualism is cost-effective. Recently in Moncton, they saw with their own eyes how a reputation for openness and linguistic skills has opened formerly closed doors onto the world and specifically onto the emerging European economic superpower. Canadians heard a President of France paying tribute to a tolerant Canada, not inciting Quebec francophones to separate, as had been many people's only memory of a visit by a French President.

Increasingly as well, majority Canadians are concerned about the erosion of the culture and language of their fellow Canadians in minority situations. They understand that a Canada without these minority official language communities would no longer be the country of which they are so proud. In the fight for the Montfort Hospital, for example, we saw unprecedented and unhoped-for alliances between the Franco-Ontarian community and members of the English-speaking community of that province and of other provinces.

What are we waiting for to realize that the public has left us behind? What are the governments of this country and the provinces waiting for to realize that the new generations have no interest in destructive language wars, that it is time to move on and build confidently on the foundations we laid three decades ago?

Why, in the turbulent 1960s, did the Dunton-Laurendeau commission speak of the worst crisis in Canada's history? It did so because it realized that Canada was on the brink of breaking up, that radical — and prompt — action was called for if we wanted Canada to survive the rifts that threatened it. At that time, Quebec was being swept by the Quiet Revolution and Premier Jean Lesage was calling on Quebec residents to affirm that they would become "*maîtres chez nous*". Increasing numbers of people in Quebec, who had always thought of themselves as French-Canadian, came to say they were Quebec citizens first, and perhaps exclusively.

Quebec residents, no longer accepting of minority status in Canada, would become a majority in Quebec. They realized they would never have full status in a Canada where their fellow francophones had endured so many affronts, where French-language education was still illegal.

Have we forgotten what got us into the present situation? Do the premiers realize that their own governments' historic intolerance was one of the sources of Quebec separatism? Does the federal government realize that, beyond any clever strategies or plans A, B, and C against "those darned separatists", perhaps they should think things through? How many sovereigntists dream of their own country simply because no one has ever wanted to give them what is theirs by right, because their most vital dream has been killed off by assimilationist policies?

Honourable senators, I do not ask you to turn back the pages of time. I do ask you to remember, to become wiser, and to lengthen your historical perspective.

The report I submit to you contains 42 recommendations, the most important 10 of which form the backbone of our proposed recovery plan for Canada's francophone and Acadian communities.

The task seems daunting, the challenge insurmountable; but the people of this country are equal to the task. You are equal to it. We are equal to it. Our recovery plan is an exciting, positive, and generous social vision.

The first step on this long journey is also the hardest. It is the step of courage: the courage to dare to go where no one wants to

go, the courage to say things no one wants to talk about, the courage to take action that others will denounce.

It is our duty to set an example; we have the power to change things. However, without the courage to do so, all that we stand for — including this fine place — is meaningless. When the walls of Parliament have become walls of silence, silence about the fate of the least powerful citizens, our existence is no longer justified.

I am confident, however, that you will hear me. I am confident that you will act. I am confident that, together, we can complete Canada, this magnificent work in progress.

On motion of Senator Kinsella, debate adjourned.

The Senate adjourned until Wednesday, November 17, 1999, at 1:30 p.m.

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NUMBER 8

OFFICIAL REPORT
(HANSARD)

Wednesday, November 17, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, November 17, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

NOVA SCOTIA

INTERNATIONAL AND NATIONAL AWARDS
WON BY CITIZENS OF LUNENBURG

Hon. Wilfred P. Moore: Honourable senators, I rise today to make a statement in recognition of the international and national awards recently earned by the Town of Lunenburg, Nova Scotia and her citizens.

On Friday, November 5, 1999, Lunenburg was presented with the Port of the Year Award by the American Sail Training Association of Newport, Rhode Island, at its twenty-seventh annual meeting held in Boston. Members of ASTA are from across the Americas. This award is presented annually to the community that demonstrates significant support of ASTA and recognizes and encourages sail training. It is the first time that the award has been presented to a Canadian port.

At that same meeting, Captain Daniel P. Moreland, Master of the barque *Picton Castle*, of Lunenburg, was honoured as ASTA's sail trainer of the year. Captain Moreland successfully circumnavigated the world in *Picton Castle* with a crew who were mostly novices when they departed Lunenburg in November 1977 for their 18-month historic odyssey.

Yesterday, Marq de Villiers of Lunenburg won the 1999 Governor General's Literary Award for non-fiction with his book entitled *Water*, a superb text about this precious resource of our earth. Mr. de Villiers generously donated one-half of his \$10,000 prize to Lunenburg's library to assist it in its good work.

We congratulate and salute the Town of Lunenburg, Mayor Laurence Mawhinney and councillors, her shipwrights, marine blacksmiths, sailmakers and hospitable townsfolk. We congratulate and applaud Captain Daniel P. Moreland and Marq de Villiers for their undertakings and the awards they achieved.

REFORM OF THE SENATE

Hon. Donald H. Oliver: Honourable senators, last week, the John Hamm Government of Nova Scotia got it right. As we head into the 1999 holiday season, this legislative body made a strong move to protect public safety by taking a tough stand against drunk driving.

In Nova Scotia, drunk drivers are responsible for almost 40 per cent of all fatalities on the road. The Hamm government has employed new measures they hope will deter people from drinking and driving, thereby decreasing the number of senseless tragedies and protecting the safety of the people of Nova Scotia.

• (1340)

Beginning on December 1, new protective legislation will make a second drinking and driving conviction result in a driver's licence suspension of three years, up from two years. A third offence will result in a minimum 10-year suspension and fourth-time offenders will lose their licence for life. The new law will also provide a 24-hour administrative roadside suspension for drivers with a blood alcohol level of between .05 and .08.

This government has taken on the role of leadership in tightening the laws and getting tough with those who drink and drive. Now, almost all the provinces have implemented similar suspension programs for drunk drivers and many have achieved substantial success in curbing accidents.

As federal legislators, we can learn much from our provincial counterparts, as they have obviously been learning from one another. Protecting the safety and best interests of all Canadians should be our number one priority. Our Transport Committee, under the leadership of Senator Forrestall, has done a commendable study on safety in transportation and is a good example of the "Senate at work."

The Senate is constantly under attack and portrayed by many as an institution that to most Canadians serves no useful purpose. In fact, journalist and best-selling author Claire Hoy has recently published a book entitled, *Nice Work: The Continuing Scandal of Canada's Senate*, which declares that this red chamber, as it exists today, has no real value.

Honourable senators, let us respond by showing Mr. Hoy and the rest of Canada just how important the work is that we do here. I believe in the reform of the Senate, but books and articles such as this only add fuel to the calls for its abolition. It is time for us to take on the role of leadership. Let us follow the example set by provincial legislatures such as the Hamm government and show every Canadian exactly how valuable an institution we are.

AGRICULTURE

INDUSTRIAL HEMP—
OBSTACLES IN EXPORTING TO THE UNITED STATES

Hon. Lorna Milne: Honourable senators, I should like to briefly update you on a matter I spoke about a few weeks back in this chamber. At that time, Kenex Limited of Paincourt, Ontario, was in a confrontation with U.S. Customs and the American Drug Enforcement Agency.

I am pleased to report to the Senate that the issue has been almost fully resolved. While there are still a few matters to be worked out, a shipment of Canadian hemp seed passed through U.S. Customs a week ago without any problems. The DEA and U.S. Customs have agreed not to seize any further shipments of hemp products exported to the United States by Kenex.

I wish at this time to give full credit to the Department of Foreign Affairs and International Trade for their assistance to Kenex in getting this matter resolved with a positive outcome for this young and enterprising business.

My congratulations to Kenex. This is good news for Canadian farmers.

INTERNATIONAL YEAR OF OLDER PERSONS

Hon. Lois M. Wilson: Honourable senators, the UN International Year of Older Persons is drawing to a close, but the ongoing thrust of this initiative is obviously of major concern to senators since we are older persons.

On October 4 and 5 of this year, when the United Nations General Assembly mounted a special session to highlight the International Year of Older Persons, I was privileged to speak for Canada at that special session and was able to highlight the Canadian initiative to devote new resources to the health sector. There is also the need to devote greater attention to disparities in health care and well-being affecting seniors with low incomes, older people living alone, Aboriginal seniors and older women with mental health problems who are forced onto the streets without a home.

The Fourth Annual Global Conference of the International Federation on Aging, held in Montreal in September 1999, issued a declaration. It noted with concern that the 1991 UN Principles for Older Persons are still not universally recognized nor adhered to; neither has the 1982 Vienna International Plan of Action been fully implemented.

The concluding observations of the UN Human Rights Committee commenting on Canada's record of implementing the Covenant on Economic, Social and Cultural Rights in November 1998 recommended:

...that Canada officially establish a poverty line and establish social assistance at levels which ensure the realization of an adequate standard of living for all.

At the New York meeting, we heard from Third World countries that only 8.5 per cent of their people would reach age 60. In Africa the figure is only 3 per cent, while in Europe 24 per cent will do so. It behooves those of us who seek a new world to pay serious attention to these "continents of poverty," as well as the "islands of poverty" that exist among Canada's aging population. The subject of older people and poverty needs to be set in the context of development, eradication of poverty and

social exclusion, which was highlighted at the Copenhagen World Summit for Social Development in 1995.

Our Overseas Development Assistance package has at least stabilized after several years of decline, but it does need an increase. In addition, it needs to be coordinated with debt relief to the most indebted countries, increased measures for employment and health for the elderly.

There was a call for the United Nations to convene a world assembly on aging in five years to review the progress achieved by individual member states in the implementation of their National Plan on Aging. I have every confidence that this will be approved and that Canada will be able to report favourably on its record concerning the care of the elderly in our midst, who happen also to be vulnerable, poor and homeless.

ROUTINE PROCEEDINGS

EUROPEAN MONETARY UNION

REPORT OF FOREIGN AFFAIRS COMMITTEE ON STUDY TABLED

Hon. John B. Stewart: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Foreign Affairs, entitled, "Europe Revisited: Consequences of Increased European Integration for Canada."

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Stewart: Pursuant to rule 97(3), I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

TRANSPORT AND COMMUNICATIONS

FIRST REPORT OF COMMITTEE TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications, concerning the expenses incurred by the Committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

[English]

CAPE BRETON DEVELOPMENT CORPORATION

FIRST REPORT OF SPECIAL COMMITTEE TABLED

Hon. John G. Bryden: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on the Cape Breton Development Corporation, which report deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

[Translation]

COMMITTEE OF SELECTION

FIFTH REPORT PRESENTED

Hon. Léonce Mercier, Chairman of the Committee of Selection, presented the following report:

Wednesday, November 17, 1999

The Committee of Selection has the honour to present its

FIFTH REPORT

Pursuant to rule 85(1)(a) of the *Rules of the Senate*, your Committee nominates the Honourable Senator Losier-Cool as Speaker *pro tempore*.

Respectfully submitted,

LÉONCE MERCIER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Mercier: Honourable senators, with leave of the Senate, I move that this report be taken into consideration later today.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Mercier, report placed on Orders of the Day for consideration later this day.

[English]

RELIGIOUS FREEDOM IN CHINA IN RELATION TO UNITED NATIONS INTERNATIONAL COVENANTS

NOTICE OF INQUIRY

Hon. Lois M. Wilson: Honourable senators, I give notice that on Wednesday next, November 24, 1999, I will call the attention of the Senate to religious freedom in China, in relation to the UN international covenants.

• (1350)

QUESTION PERIOD

NATURAL RESOURCES

CAPE BRETON DEVELOPMENT CORPORATION—CLOSURE—
ANNOUNCED INFUSION OF FUNDS—GOVERNMENT POLICY

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. On Monday, Minister of Natural Resources Ralph Goodale announced that the federal government will sink \$70 million into the Cape Breton Development Corporation to keep the Crown corporation in operation until April of 2000. This is a complete turnaround by a government which has repeatedly claimed that there are no new federal funds available to improve the pension and severance packages being offered to the Devco miners and their families. Devco employees have been fighting for over eight months to get the government to enhance the deal. The Liberal government has put up \$111 million for pension and severance packages, but only 340 miners will qualify for pensions and 650 for severance. This federally funded rescue of the coal mining company for the second year in a row is a blatant about-face.

What is the government's explanation for suddenly producing millions of dollars it claimed it did not have to keep in operation the company it intends to shut down? Is this a signal that the government has not abandoned Cape Breton and will commit sufficient funds to the Devco miners who were set to end the first year of the new millennium without jobs?

J. Bernard Boudreau (Leader of the Government): Honourable senators, I can say categorically and without fear of contradiction that the Government of Canada has not in the past and does not intend in the future to abandon Cape Breton. The federal government's commitment to the coal industry over the last number of decades has been a large one, as I am sure the honourable senator is aware. It is a commitment in the range of \$2 billion.

Our commitment to Cape Breton continues. For example, most recently, in concert with the province, the federal government established a special \$80-million development fund to assist the economy of Cape Breton in the transition it is facing. The Government of Canada will continue to play its part in assisting the people of Cape Breton.

Specifically with relation to the \$70 million, the plan to close Devco as a federal Crown corporation was scheduled, in a very phased and organized way, to occur at the end of December, 1999. I am sure that the honourable senator is familiar with the very detailed human resources package that was assembled and presented in relation to the schedule of closure. In order for the government to do that, it was assumed that a certain revenue stream would occur from production in the Phalen mine. That was a very large and necessary part of the plan.

As the honourable senator and others will know, the mine was shut down early under catastrophic circumstances. Rockfalls were causing immediate danger to life and limb of the miners so, primarily for safety reasons, the mine was immediately shut down. With that immediate shutdown, the revenue stream which would have carried it through to December 31 was gone.

There government had two choices. The first was to provide a revenue stream in order that the government could meet the commitments it had made to the miners and their families under this package. The second was that all employees become unemployed immediately. This latter option was unacceptable. I know that the honourable senator would not countenance such an alternative. Indeed, many groups in Nova Scotia, including members of his own party, indicated that that was not an acceptable alternative.

Therefore, the money was provided in order that the orderly phasing out of the federal presence in the mines could continue. As a result, people who were forced to arrange their lives on the basis of this plan will not be disrupted. We trust that everything will proceed as planned, and the replacement of the revenue which would have come from coal production is the most viable option.

CAPE BRETON DEVELOPMENT CORPORATION—
BILL TO DISSOLVE—EFFECT ON MINERS AND STAFF

Hon. Donald H. Oliver: Honourable senators, Bill C-11, which authorizes the sale of Devco, contains a clause that seeks to delete a section of the Cape Breton Development Corporation Act which states that the government must take every reasonable precaution to ensure that workers are looked after.

If this bill is passed, will the Liberal government simply close the corporation, give the miners a one-time payment equal to less than one year's economic activity generated by Devco, and walk away? If not, what federal initiatives will be implemented to generate new jobs and foster new growth in Cape Breton's weakened economy?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, there are very large initiatives underway, and I have made brief reference to some of them. An \$80-million economic development package over and above the other programs that exist for economic development in that area is a significant effort. As well, the package that was presented to the miners and the public in Cape Breton was a very thorough

package. However, the Prime Minister has given his undertaking that that package will be reviewed, as is currently being done.

Frankly, my concern is not for an electrician working at Devco who will receive an \$80,000- or \$90,000-severance arrangement and will find a new job six months later. That individual will do just fine. My personal concern is for any individual who, because of long years of work, and perhaps partial physical disability, will have a difficult time relocating in the new economy.

As I have mentioned, work is being done to review the package to see if any additional measures can be put in place, in particular, to help those individuals most in need of assistance.

Senator Oliver: The minister did not refer to the clause in Bill C-11 that prompted my supplementary question.

Senator Boudreau: That specific clause has been raised by a number of people, including the United Mine Workers. There were concerned that it may have disrupted an arbitration process currently underway. I sought an opinion and relayed to the United Mine Workers. The opinion indicates that this bill would not impact on any rights in existence prior to its expected passage.

I may have undertaken yesterday to give that opinion to Senator Murray. I will certainly give it to the Honourable Senator Oliver as well.

NATIONAL DEFENCE

CLOSING OF CFB CORNWALLIS—REMOVAL OF
MEMORIAL WINDOWS FROM ST. GEORGE'S CHAPEL

Hon. Gerald J. Comeau: Honourable senators, the honourable Leader of the Government in the Senate will remember that in 1993-94 former Canadian Forces Base Cornwallis was closed by the federal government. At that time, stained glass windows were removed from St. George's Chapel, on the former base. The rationale given at the time was that the windows would be placed in safe storage until such time as the chapel was reconsecrated. The chapel was reconsecrated over a year ago.

Would the Leader of the Government in the Senate advise when the Department of National Defence will put these windows back in their proper place at St. George's chapel? The people who paid for the windows, local residents as well as former recruits of the base, want these windows back in their rightful place.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am familiar with the matter which the honourable senator raises. In fact, those windows were removed from a chapel not presently in daily use. They are currently in a chapel in Halifax, the largest naval base in the country, that is used on a daily basis.

A decision was made to put them in that chapel so that people would have an opportunity to see and get the benefit of them on a regular basis. I understand the chapel from which they came is being used, but only on a very intermittent basis, once or twice a year. The decision, at this time at least, is that those windows should remain in their present location where more people can enjoy and be edified by them.

● (1400)

There have been some representations made recently, and obviously they are being given consideration, but that has been the rationale to date.

Senator Comeau: I have a supplementary question, honourable senators. The government leader indicated that the chapel in Shannon Park, which is where they are situated now, is being used on a more regular basis than the chapel at Cornwallis. He might want to check the attendance figures, as is sometimes done between the House of Commons and the Senate, to see if in fact the attendance at Shannon is all that high versus the attendance at former CFB Cornwallis. However, much more important than attendance at the chapel is the fact that the people who paid for these windows are residents of the area of Cornwallis and Digby, and the fact that thousands of recruits who passed through Cornwallis are scheduled to reunite there next spring. I think these people would be very proud to see the windows where they should be rightfully and historically. I would ask the honourable leader to support that proposal.

Senator Boudreau: Honourable senators, the honourable senator's proposal that I undertake to check attendance at the religious services or the institutions, reminds me of the Biblical injunction, "Let he who is without sin cast the first stone." I do not know that I would be very aggressive about counting heads at any particular religious service.

However, I understand the sentiment that the senator brings to the floor here, and I will certainly convey it to the minister.

Hon. J. Michael Forrestall: Honourable senators, I, too, have a supplementary question. Perhaps I could throw the first pebble. If the minister were to determine where the pews for that chapel are and restore them to the chapel, perhaps the chapel might be a little busier.

Senator Kinsella: Where are they?

Senator Boudreau: Honourable senators, perhaps I may have an opportunity to speak with the honourable senator later and locate those pews.

REPLACEMENT OF SEA KING HELICOPTER FLEET— POSSIBILITY OF LEASING

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. It relates to a question I posed on November 4 regarding the Sea King helicopters. I have mentioned on numerous occasions, along with Senator Forrestall and others in this place, the urgency that

surrounds this particular issue. I have gone so far as to say — and I would say this if we had a Conservative government, an NDP government or a Reform government — that if something is not done, and there is an accident, responsibility will lie directly on cabinet, the Prime Minister and the Minister of National Defence. Like many other Canadians, I believe we have abandoned our Armed Forces with respect to giving them safe equipment.

Therefore, I ask the Leader of the Government, in all sincerity, being completely non-partisan: When will the government start leasing helicopters? Cancellation of the EH-101s was a political decision, and I am not certain as to whether they would be in service today had the order gone ahead. However, in reply to my question yesterday, the Leader of the Government told me an answer would be forthcoming soon. Could he please give me a more direct or definitive answer at this moment?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, with respect to the replacement program for the Sea King helicopters, in one sense I can repeat what I have already indicated to the Senate. I have spoken with the Minister of National Defence, who indicated that this is absolutely a top equipment priority for him.

Senator Lynch-Staunton: They have all been saying that.

Senator Boudreau: He has had some success. The government has indicated that it is prepared to commit to major programs, for example, the submarine program.

Senator Lynch-Staunton: What is the cost of the refitting?

Senator Boudreau: He has indicated to me that it is a matter of very high priority with him. I have indicated to him, as I will now indicate to honourable senators, that I regard it as a matter of great priority.

I live in the city of Halifax, and there is not a city in the country where the military is held in higher regard. We appreciate greatly the role they play and the sacrifices they make on a daily basis. I will certainly lend whatever support I can to the effort to see that the procurement of the Sea King replacements goes ahead as quickly as possible.

Senator St. Germain: Honourable senators, I have no doubt that the intention of the government is to make that procurement. The question is: Are they prepared to lease? That is the key.

I speak from experience as an active pilot. If any aircraft requires 30 hours of service to fly one single hour, honourable senators can imagine just how bad is the condition of these aircraft. Anyone who knows anything about helicopters knows the stresses and strains that are put on them. I say to the honourable leader that I do not believe there is any alternative but to lease. We must get the proper equipment into the hands of the military so that they can look after people who decide to venture offshore in a boat — off Nova Scotia or anywhere else. I urge the leader to pursue this matter, and I ask him again for a response with respect to leasing.

Senator Boudreau: Honourable senators, I would remind all senators that the government has made some significant commitments of late with respect to equipment for our Armed Forces. I mentioned the submarines. For submarines, the commitment is \$750 million. The replacement process for the Labrador helicopters for search and rescue is underway now, and that is a commitment of slightly under \$800 million. There is also a commitment of \$30 million to modernize Camp Aldershot, as well as a commitment of another \$300 million in benefits to improve the standard of living of our Armed Forces personnel in the area.

I do not want to avoid the honourable senator's question. As a matter of fact, further to my inquiries, I have a delayed answer that I plan to table at the end of Question Period. I can inform the honourable senator that there are no present plans to lease helicopters.

Senator St. Germain: Honourable senators, it is totally unacceptable to expose our military to conditions due to the poor state of the equipment. I can only repeat to the Leader of the Government what I said earlier: If there is an accident involving any of these helicopters, the responsibility will lie directly on his shoulders, the shoulders of cabinet and the Minister of National Defence. That is not the solution.

I hate to have to say this, but I cannot adequately describe in words the horror that exists, I am sure, in the minds of those pilots when they have to take up aircraft that require 30 hours of service to fly for one single hour. Can the honourable senator imagine any other organization in the aviation industry trying to operate under those conditions?

• (1410)

Senator Meighen: They would be shut down!

Senator St. Germain: That is correct. As Senator Meighen says, either the Transportation Safety Board or Minister Collenette's department would shut them down because the aircraft would be so dilapidated and in such poor condition. I urge the leader again to go back to the minister and get him to reconsider that position.

Senator Boudreau: I thank the honourable senator for his comments. Honourable senators, I am repeating myself, but the minister has assured me that the helicopters are his top priority for equipment replacement. Obviously he agrees, as would anyone who looked at the situation, that the helicopters must be replaced.

With respect to the helicopters flying assignments, I take some assurance in the fact that the helicopters would not be given a particular mission or service if those in command were not convinced that the piece of equipment was capable of performing that job. As to the cost of servicing them, some questions can be asked. However, we are involved in that process, and I hope that

the replacement process will be completed as soon as reasonably possible.

UNITED NATIONS

PROPOSAL BY REFORM PARTY TO REVIEW MEMBERSHIP— GOVERNMENT POLICY

Hon. Douglas Roche: Honourable senators, this question is to the Leader of the Government in the Senate. The Reform Party, which is the Official Opposition in the House of Commons, released a foreign policy paper stating that, as government, it would review Canada's membership in the United Nations.

Since the UN has been, for half a century, a cornerstone of Canada's foreign policy, irrespective of the political colouration of the day, what is the government's position on such a startling proposal? Does the government intend to respond with a clear statement of support for the United Nations or does the government intend to give this proposal the attention it deserves and ignore it?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, in my position as Leader of the Government in the Senate, I wish to indicate the strong and unwavering support of our government for the United Nations as an institution.

Hon. Senators: Hear, hear!

Senator Boudreau: I find it incredible that any responsible political party would make a statement or take a position such as has been advanced by the Reform Party. Have they learned nothing from history?

That statement should not be given any great attention in order to avoid giving it any credibility. People of goodwill in government in this country and from two federal parties have long supported the UN. Canada is, perhaps, the greatest supporter of the institution in the world. Almost 5,000 of our servicemen are now serving in various parts of the world, putting themselves in harm's way and assisting the United Nations in doing a very valuable job. I find it incredible that such a statement could be seriously made in this day and age.

HEALTH

AUTHORITY FOR REGULATING SUBSTANCES ENTERING RENDERING PLANTS—GOVERNMENT POLICY

Hon. Mira Spivak: Honourable senators, my question is to the Leader of the Government in the Senate. Last July, a most unfortunate incident took place in Manitoba. Some cattle were poisoned with a highly potent weed killer. They were shipped to a rendering plant and may have entered the feed produced by the plant, which was subsequently fed to pigs and chickens. Luckily, however, there was no evidence of that. From an examination of this incident, it appears that no federal regulations exist to

monitor what goes into a rendering plant. The federal agency, the Canadian Food Inspection Agency, claims rendering is a provincial responsibility, while the provincial government and the rendering company believe rendering is a federal responsibility.

What is the position of the government with regard to the federal responsibility for substances entering a rendering plant? Also, what is the scientific basis, given the example of the mad cow disease in Britain, for feeding rendered cattle — and who knows what other remains — to pigs and poultry?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I appreciate the question that the honourable senator has asked. It is a question on which I should have my deputy leader at my side, since he is the expert in the cattle industry.

Senator Forrestall: I would sooner have your colleague from Cape Breton back there!

Senator Boudreau: The honourable senator raises an important question. I am simply not familiar enough with that specific area to respond to the question today. However, I will get a response for the senator as quickly as possible.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Point of order! Honourable senators, the opposition would like to invite the government to give consideration to calling the report that was just tabled by the Chairman of the Standing Senate Committee on Selection.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, we are in agreement and give leave to bring that matter before the Senate at this time.

[Translation]

COMMITTEE OF SELECTION

FIFTH REPORT ADOPTED

The Senate proceeded to consideration of the fifth report of the Committee of Selection (*Speaker pro tempore*), presented in the Senate on November 17, 1999.

Hon. Léonce Mercier: Honourable senators, I move the adoption of the report.

Hon. Noël Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like to say a few words concerning this motion by our colleague the Government Whip and an

excellent Chairman of this committee, one of the best in the history of the Senate.

I would like to express the pleasure those of us on this side feel on the appointment of our colleague Senator Losier-Cool, from the province of New Brunswick, a woman who has made some remarkable contributions since her appointment to the Senate. We are very pleased to support the motion by Senator Mercier.

[English]

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to add a comment to the debate on this report. On behalf of this side, I wish to extend our congratulations as well to the person designated in the report to serve as speaker *pro tempore*. She has served as a senator in this place with great distinction, and I know she will fill the role of Speaker *pro tempore* with that same distinction.

• (1420)

I, too, compliment the Chairman of the Senate Committee of Selection and all senators who participated in the deliberations and who spoke in support of the report.

Motion agreed to and report adopted.

[Translation]

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Gill, for the second reading of Bill C-7, to amend the Criminal Records Act and to amend another Act in consequence.

Hon. Pierre Claude Nolin: Honourable senators, before reading my prepared text, I would remind you that Bill C-7 is in substance and integrally Bill C-69, which we had begun to consider before the end of the last session. My remarks this afternoon will refer to Bill C-69 a number of times. Do not see this as an attempt to mislead you, but Bill C-69 is the exact equivalent of Bill C-7.

Before I begin my speech, I would like to thank Senator Fraser for her support for my interventions in this house and before the Standing Senate Committee on Legal and Constitutional Affairs to amend the forerunner of Bill C-7, Bill C-69, on the regulatory powers accorded the Solicitor General.

I would also like to point out that the Solicitor General kindly accepted my amendment proposals concerning this bill last June. I am grateful to him.

Honourable senators, I am pleased to speak at second reading stage of Bill C-7, to amend the Criminal Records Act. Pardons accorded under sections 5, 6, and 7 of the Criminal Records Act permit individuals to have their criminal record sealed after having been found guilty of a criminal offence, having served all of their sentence and having demonstrated that they have become law-abiding citizens. These provisions help offenders return to society. This is an important principle of our criminal law system.

Under the Criminal Records Act, the National Parole Board has the power to grant or issue, or refuse to grant or issue or to revoke a pardon. In addition, the Canadian Human Rights Act prohibits discrimination against anyone to whom a pardon has been granted by the Solicitor General of Canada. It is important to mention that the pardon does not erase the existence of the conviction and that it may be automatically revoked if the person is later sentenced for a criminal offence.

In its present form, the Criminal Records Act provides for the consequences of granting pardon, such as keeping an offender's record sealed. It also provides that any record for which a pardon has been granted that is in the custody of the Commissioner of the Royal Canadian Mounted Police, or of any department or agency of the Government of Canada shall be kept separate and apart from other criminal records, and that no such record shall be disclosed to any person, nor shall the existence of the record or the fact of the conviction be disclosed to any person, without the prior approval of the Solicitor General of Canada.

Honourable senators, the purpose of the government's proposed amendments to the Criminal Records Act, in the form of Bill C-7, is to improve public safety. Their primary purpose is to prevent sex offenders from holding positions of trust with children or other vulnerable groups.

In pursuit of this goal, Bill C-7 proposes to add one additional provision with respect to the particular case of the criminal records of pardoned sex offenders. The new section 6.3 of the Criminal Records Act would require the RCMP Commissioner to make in the RCMP's automated criminal conviction records retrieval system a notation that would inform a police force doing a screening that there is a record of an individual's conviction for a sexual offence listed in the regulations in respect of which a pardon has been granted. This recommendation was approved unanimously by the federal and provincial justice ministers at their October 1998 meeting in Regina. Agencies providing services to children and wishing to hire a volunteer or paid employee will now be able to verify whether the applicant has been granted a pardon for a sex offence. This verification is subject to two conditions: on the one hand, if the position were to place the applicant in a position of authority or trust with children or other vulnerable groups, and on the other, if the applicant has consented in writing to the verification.

The notation will indicate to the police force carrying out the screening that its request for disclosure of the record of a rehabilitated individual must be accompanied by the fingerprints of the individual in question. If the verification results in the determination that the person has already been convicted of an

offence of a sexual nature, the RCMP or police force that performed the check may request the RCMP Commissioner to provide the Solicitor General with any record of a conviction of that individual. The Solicitor General may decide the appropriateness of disclosing the contents of the record. If authorized by the individual, the RCMP may disclose the information to the organization that requested the verification.

However, the organization may not use this information for any other purpose than in relation to the assessment of the application. In order to avoid abuses, the bill stipulates that the verification may not be used for any other purpose except assessment of an application.

Honourable senators, I am pleased to say that I am totally in agreement with the objectives and principles underlying Bill C-7. Clearly, the safety of our children and other vulnerable groups in society cannot help but be better protected by these new measures.

However, I must point out that a number of associations, such as the Elizabeth Fry Society and the Criminal Lawyers' Association, have voiced some reservations about the policy underlying Bill C-7.

Their main area of concern is that this bill could threaten the integrity of the rehabilitation system and its role in rehabilitating and reintegrating offenders. They point out in particular that the Solicitor General has not established in a satisfactory manner that the present legislation on criminal records and rehabilitation offers society insufficient protection against rehabilitated sexual predators.

• (1430)

Moreover, the John Howard Society and the Elizabeth Fry Society feared that relying on access to rehabilitation records would give a false sense of security by overshadowing other key elements in the selection of personnel for positions of confidence with children or vulnerable people.

Honourable senators, during the work of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-69, we took a very close look at this issue. In that regard, I would like to deal briefly with the issue of the balance between the rights of people rehabilitated by the Solicitor General of Canada and the rights of children or vulnerable people. While some feel that the provisions of this bill seem to challenge the principle of social rehabilitation, which is the foundation of our parole and rehabilitation system, this legislation achieves a certain balance between the rights of a person who has been charged, sentenced and released, and the rights of the children whom we must protect.

Honourable senators, obviously when we are dealing with people who abuse children or elderly persons, a single offence is one too many. The consequences are serious and, as parliamentarians, we must do our utmost to avoid any recurrence of such incidents. When I say that the bill achieves a certain balance between the rights of the two groups of individuals, I am

not trying to minimize or trivialize the problem, but to put it in the proper context. When we talk about criminal acts, about the treatment of criminals and about effective and realistic measures to fight this type of crime, we must put things in a comparative context.

As a lawyer, I can tell you that it is always very difficult to achieve a perfect balance between the rights of people who have demonstrated that they could lead a normal life, and making sure that the rehabilitation system does not become a mechanism that hides the history of people who could be a threat for children and other vulnerable persons. This is a thorny issue.

Therefore, the federal government agreed, along with all the other provincial and legal administrations, at a justice ministers' conference, to set up such a screening system. All the ministers agreed on that initiative. It is a compromise, a proposal that does not go to one extreme or the other, but that is deemed to be a balanced and achievable approach.

In response to legitimate concerns expressed by some members of the committee and certain associations who feared that the bill would jeopardize the aims of the pardon granting process, I would point out that the bill provides for only one exception to the intended benefits of pardons. It provides for a very targeted system of notation, which contains measures to protect the rights of the individual pardoned.

I would now like to address the matter of regulations — which, in passing, were at the heart of the work of the Legal Affairs Committee — as they concern the application of the provision to permit the marking of a criminal record. As you know, this point is of the highest concern to me.

Currently, clause 8 of the bill provides for the amendment of section 9.1 of the Criminal Records Act so this new provision on the marking of the records of individuals pardoned following a conviction for a sexual offence may be properly applied. Under Bill C-7 — the bill before us, as was the case in Bill C-69 — the government may make regulations, first, listing the offences covered by the term “of a sexual nature”; second, respecting the making of notations in the respect of records of conviction, and the verification of such records; third, defining the expressions “children” and “vulnerable persons”; and, fourth, respecting the consent given by the individual concerned in the new section 6.3 to the verification of records or the disclosure of information in them to the organization requesting it and setting out in the regulations the factors the Solicitor General takes into consideration in deciding to approve or deny disclosure of the content of the record of a pardoned individual.

When the Solicitor General appeared before the members of the Standing Senate Committee on Legal and Constitutional Affairs, on June 14, I stated that the regulatory powers, as defined by Bill C-69, were a matter of policy. In this regard, I put a number of questions to him.

First of all, why would the offences in the paragraph in question be listed, amended, extended or reduced solely by the

Governor in Council, and without extensive consideration by both Houses of Parliament? Why will the definitions of “children” and “vulnerable persons” also be subject to the regulatory power of the Governor in Council?

Why does the Governor in Council have sole authority over the process as set out in proposed section 6.3 respecting the consent given by individuals to the verification of records or the disclosure of information contained therein to a requesting body? Why did the bill not mention that it was solely concerned with individuals convicted of sexual offences? Although all the speeches made by the government in the other place and in the Senate have always referred to sexual offences, the bill made no specific reference to the sexual nature of these offences.

Why did the bill not contain a schedule listing sexual offences, when other federal legislation, such as the DNA Identification Act, contains a schedule clearly identifying offences with which the bill is concerned?

Honourable senators, when I spoke on Bill C-69 last June, during debate at second reading, I said that the powers given to the Governor in Council seemed to be very broad. When the Solicitor General appeared before our committee, I mentioned to him that these matters could be resolved by having them included in the bill. Note, honourable senators, that, in recent years, both the current and the previous governments have been trying to ensure that bills do not contain legal definitions or operational procedures that could be challenged or amended when examined by members of Parliament, the standing committees of both Houses, or interest groups. This, I am sure you will agree, is very worrisome, because there is a big difference between the process of consultation when a bill is being considered and the examination of new regulations.

In the case of the definition of the terms “children” or “vulnerable persons”, officials of the Department of the Solicitor General answered our concerns as follows:

In the case of “vulnerable persons”, the definition was not included in the bill because it could change over the years. It would therefore have been difficult to define this term in the legislation on criminal records. In this case, it was preferable for the ministers to be able to change the definition by regulations, without having to introduce a new bill. Nevertheless, I reminded the minister and his departmental officials that part of the Quebec Civil Code deals at length and most precisely with the vulnerable and protection of their civil rights.

As for the use of the term “children”, the departmental officials indicated that this was already defined in other legislation and there was therefore no necessity of including it in Bill C-69. Yet the new legislation on the youth justice system that we will be looking at in coming months contains a definition of “children”. It is basically this: A child is a person under the age of 18 years. Contrary to what the minister and his staff have stated, I am convinced that this definition will not be changing very often.

• (1440)

What is more, these same departmental officials stated, in justification of these lapses, that the department had followed the same approach in the amendments to the appendixes of the Corrections and Conditional Releases Act. At the present time, these contain a number of legal and regulatory definitions that are modified by Order-in-Council.

Honourable senators, I would mention that a number of members of the committee, including myself, pointed out to the minister that even if clause 8 of Bill C-69, which refers to regulatory powers, indicated that the offences selected for inclusion in the list would be of a sexual nature, the bill did not indicate it applied only those individuals who had been sentenced for a sexual offence. In a number of places in the bill, only the word "offence" is used. Accordingly, this list could include a series of infractions that would not be specifically of a sexual nature, therefore increasing the scope of the provisions of Bill C-69. Subsequent to our questions and comments, the officials of the Department of the Solicitor General said that someone had asked that the list include an omnibus clause that would provide essentially the following: "and any other infraction for which the Parole Board chose to include a marker." That is too vague and too broad.

With regard to the absence of a list of sexual offences as a schedule of the bill, the minister tried to justify this omission by saying that it would be simpler to draft and amend the list by Order-in-Council than by going through Parliament. The minister felt that this latitude was necessary to expedite future amendments to the list. Departmental officials said that the list already existed. It had been drafted in cooperation with the provinces so as to decide what should be included in a list containing sexual offences against children and vulnerable groups in particular. If it already exists, why not include it in the bill? That would have given us the opportunity to study it immediately.

Honourable senators, if we look at the evidence given by the Solicitor General and his officials, it is clear that, in its current form, Bill C-7, which is a carbon copy of Bill C-69, is open to a challenge under the Canadian Charter of Rights and Freedoms. For example, the bill does not specify that it applies only to people who were convicted for offences of a sexual nature against children or other vulnerable people and then pardoned. Consequently, the list of offences that will form the basis of this new legislation may be much too vague and could greatly exceed the intent of the lawmakers. Criminal law is fundamental in nature. A crime is a crime. In that sense, it does not seem appropriate to leave these decisions to the executive branch, rather than to the legislative branch. Moreover, one cannot deny the principle which provides that all our laws must be in agreement with the provisions of the Canadian Charter of Rights and Freedoms.

Finally, as regards the issue of consent, departmental officials admitted that they did not deem necessary to include in the act

the consent process provided for in clause 6.3 of the bill. Yet this process is specifically included in several other federal acts.

Honourable senators, in an attempt to reassure committee members, the minister cited practical reasons for including all these regulatory powers in the bill. In his view, some of these changes may take an extremely long time, particularly if they are subject to extensive parliamentary review. In the case before us, the government may find itself in a situation that some would describe as urgent and will not be able to proceed as quickly as it would like if, for instance, the definition of "children" or "vulnerable persons", or the consent procedure must be amended quickly for practical or legal reasons.

Honourable senators, as I said, it is true that action to protect children and vulnerable persons from sexual predators is urgently required. That is no reason, however, to abrogate the powers of Parliament and to ignore the provisions of our Charter.

This is why certain members of the committee and I did not agree with the explanations and reasoning of the minister and his officials. We pointed out that we were concerned that the government seemed to be shielding important matters from consideration by Parliament. We therefore informed the minister of our concerns with respect to the erosion of Parliament's powers through excessive reliance in bills on regulatory powers to address such important matters.

Given the extent of the committee members' criticisms — this is a story with a happy ending, as you know — the Solicitor General made a commitment to reassess the contents of the bill over the summer. It seemed to me that quick passage was more important. On September 9, officials in the Department of the Solicitor General provided committee members with some amendments to remedy the flaws in Bill C-69. Their main intent was to do away with clause 8. All of the regulatory powers previously assigned to the minister will be included in the Criminal Records Act. As well, the bill will specify that the system of marking records will apply only to those persons who have been convicted of sexual offences. In order to clarify the process, a list of offences was added as a schedule to the act. I presume honourable senators will realize I am referring to Bill C-69. It can, however, be amended by Order-in-Council. Finally, the definitions of "children" and "vulnerable persons" have been moved from the regulations to the bill itself.

In conclusion, honourable senators, I wish to state that once again, thanks to the vigilance of the members of your Legal and Constitutional Affairs Committee, marked improvements were made to Bill C-69, and I sincerely hope to Bill C-7, so that the rights of the rehabilitated individuals and those of children and vulnerable persons are properly protected.

At the very end of my remarks, I wish to indicate my support for the principles of this bill. It will be examined thoroughly in committee. I trust that the government will reintroduce the amendments it had agreed to accept for Bill C-69. Once again, we shall be most vigilant on your behalf, honourable senators.

The Hon. the Speaker: Honourable senators, if no other Senator wishes to speak, I shall proceed with the motion.

It is moved by the Honourable Senator Fraser, seconded by the Honourable Senator Gill, that the bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Fraser, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

[Earlier]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Royal Highness Samdech Krom Khun Norodom Sirivudh, Deputy Prime Minister of the Kingdom of Cambodia. His Highness is accompanied by Dr. Kao Kim Hourn, Executive Director of the Cambodian Institute for Cooperation and Peace.

On behalf of all honourable senators, I bid you welcome to the Senate of Canada.

• (1450)

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION REQUESTING AUTHORITY TO APPLY PAPERS AND EVIDENCE GATHERED ON EXAMINATION OF PREVIOUS BILL TO STUDY OF CURRENT BILL

Leave having been given to revert to Notices of Motions:

Hon. Joan Fraser: Honourable senators, I give notice that tomorrow, Thursday, November 18, 1999, I will move:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill C-69, An Act to amend the Criminal Records Act and to amend another Act in consequence, in the First Session of the Thirty-sixth Parliament be referred to the Committee for its present study of Bill C-7.

[Translation]

[Earlier]

VISITORS IN GALLERY

The Hon. the Speaker: Honourable senators, I call your attention to the presence in our gallery of a delegation of chiefs and other members of the Montagnais of Lac-Saint-Jean and Quebec's North Shore, the special guests of the Honourable Senator Gill.

On behalf of all senators, I wish you welcome to the Senate.

Hon. Senators: Hear, hear!

[English]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CHANGING MANDATE OF THE NORTH ATLANTIC TREATY ORGANIZATION

Leave having been given to proceed to Motion No. 9:

Hon. John B. Stewart, pursuant to notice of November 16, 1999, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, October 14, 1999, the Standing Senate Committee on Foreign Affairs which was authorized to examine and report upon the ramifications to Canada: 1. of the changed mandate of the North Atlantic Treaty Organization (NATO) and Canada's role in NATO since the demise of the Warsaw Pact, the end of the Cold War and the recent addition to membership in NATO of Hungary, Poland and the Czech Republic; and 2. of peacekeeping, with particular reference to Canada's ability to participate in it under the auspices of any international body of which Canada is a member, be empowered to present its final report no later than December 15, 1999;

That the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until December 24, 1999; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. We received a notice of motion from Senator Fraser a few moments ago. On our Order Paper for today is a similar motion made by Senator Oliver. There appears to be some confusion as to the appropriateness of a motion requesting authority to apply papers and evidence received by a Senate standing committee in a previous session of Parliament to a committee of the same name established in a new session and dealing with the same subject. There seems to be some confusion as to the rules. Could we have clarification on that point to obviate any misunderstanding?

The Hon. the Speaker: I thank the Honourable Senator Kinsella for mentioning this matter.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I will simply say that this may be a timely request for a ruling, although I should mention that the reason the matter has arisen is as a result of concerns expressed by Senator Cools. Perhaps I should let her speak for herself rather than try to sum up. Suffice it to say that I concur with the Deputy Leader of the Opposition in that it would be timely to have this matter resolved by His Honour.

Hon. Anne C. Cools: Honourable senators, I would be quite happy to add my remarks to the debate. First, perhaps I could receive some clarification. Is this a point of order? What is the question before us?

Senator Hays: It is a request for a ruling from the Speaker as to the orderliness of the motion, notice of which was given by Senator Fraser.

Senator Cools: Is Senator Kinsella asking about the propriety of the notice of motion put forth by Senator Fraser? That sounds odd to me.

Senator Kinsella: No. Senator Fraser has duly given a notice of motion, the substance of which we have apprehended. A similar motion was made by Senator Oliver last week. That motion legitimately raised questions from some senators, including Senator Cools. There are at least two schools of thought as to whether, after prorogation, the work done by a committee of the Senate on a subject matter in a given session, can be referred to the new committee. I believe we should have this matter clarified.

Senator Cools: Honourable senators, I plan to bring some clarification to this matter tomorrow when I speak in debate on Senator Fraser's motion, but if senators wish, I am prepared to debate it now. I am attempting to ascertain under what authority I am answering Senator Kinsella's questions. I am prepared to speak to the matter.

The Hon. the Speaker: Honourable senators, we are anticipating the question. All we have, insofar as Senator Fraser

is concerned, is a notice of motion. There is no debate on a notice of motion or, indeed, an opportunity to actually raise a point of order. The proper time to raise the matter is when the motion is placed before us. However, I am in the hands of honourable senators. If you wish me to deal with it now, I can, but I think it would be more orderly if we proceeded when we reach the actual item on the Order Paper.

Senator Kinsella: Honourable senators, I raised a point of order relating to the substance of Senator Fraser's notice of motion. It is similar in substance to a motion on the Order Paper made by Senator Oliver. Given that the rules lay the awesome responsibility on the Speaker to interpret our rules, I sought clarification. I have risen on a point of order requesting clarification because I believe we need clarification of the rules from time to time. I am rising, not to debate the notice, but rather to raise a point of order at the appropriate time, which is now.

Senator Hays: Honourable senators, perhaps I can bring some focus to the issue. I agree that the matter is one in dispute, not so much for Senator Fraser's notice of motion, as for the item standing in Senator Cools' name, namely, Senator Oliver's Motion No. 8. All I am interested in is ensuring that we deal with the matter of order. As far as this side is concerned, it can be dealt with now. We have no objection to that. Another option is to deal with it when Senator Oliver's motion is called on the Order Paper.

In any event, I feel it would be good to deal with it today, in the light of you the Speaker's anticipated absence. However, Senator Cools raised a concern about the form of the motion, and I believe she should give her comments.

Senator Cools: That is agreeable.

The Hon. the Speaker: Honourable senators, I believe that we are anticipating at this point. Insofar as Senator Fraser is concerned, all that is before us is a notice of motion. In other words, the matter is not before us. In my view, a notice of motion cannot be the subject of a point of order or that type of discussion. We have been told that eventually the senator will propose something. When she does, it would be the proper time to raise the matter.

If it is the wish of honourable senators, of course, we can proceed now. I am in your hands in that regard.

• (1500)

Honourable senators, I repeat that I think the more orderly way to do our business is to proceed when the items are before us. If it is to be Senator Cools' adjournment of Senator Oliver's motion, we will deal with it and then deal with the motion of Senator Fraser. However, I am in your hands.

Senator Hays: Honourable senators, if the Speaker has a sensitivity to dealing with this issue as an abstract matter now, perhaps we could deal with it today when we come to Senator Oliver's motion.

I point out that Senator Oliver's motion, which is quite properly before us, standing adjourned in the name of Senator Cools, is exactly the same in substance as Senator Fraser's notice of motion. Perhaps we can deal with it when Senator Oliver's motion is called. If that is in order, it would be my suggestion that we do so.

The Hon. the Speaker: The notice of motion and the motion are similar in that they speak to the same principle. They differ in that they deal with different items.

Senator Cools: Honourable senators, perhaps we could deal with the questions and the complexities raised in the instance of Senator Oliver's motion by proposing an amendment to it. I am in the hands of the Senate. If it is the will of senators that we try to resolve these issues today, that is fine with me. However, I am of the opinion that this is not so much a point of order as it is a substantive question. If it is a substantive question, it may be better dealt with under the rubric of the government's notice of motion, which was Senator Fraser's notice of motion.

Senator Hays: Honourable senators, we will be dealing with it when we come to Senator Oliver's motion. Perhaps it would be appropriate to speak to it at that time to be certain that we are in order in terms of our comments.

Hon. Senators: Agreed.

THE ESTIMATES, 1999-2000

NATIONAL FINANCE COMMITTEE AUTHORIZED
TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of November 16, 1999, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2000, with the exception of Parliament Vote 10a and Privy Council Vote 25a.

Motion agreed to.

THE ESTIMATES, 1999-2000

PRIVY COUNCIL VOTE 25A REFERRED TO
STANDING JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of November 16, 1999, moved:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25a of the Supplementary Estimates (A) for the fiscal year ending March 31, 2000; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

THE ESTIMATES, 1999-2000

VOTE 10A REFERRED TO STANDING JOINT COMMITTEE
ON THE LIBRARY OF PARLIAMENT

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of November 16, 1999, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10a of the Supplementary Estimates (A) for the fiscal year ending March 31, 2000; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Anne C. Cools moved the second reading of Bill C-247, to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences).—(*Honourable Senator Cools*).

She said: Honourable senators, I rise to move second reading of Bill C-247 and to begin the debate on this bill.

Currently, multiple murderers can receive no incremental sentences, not one day, not one hour, for the second, third or even the eleventh life taken in the brutal murders that they have committed. Bill C-247 challenges the notion that multiple murderers should be guaranteed a chance for parole after serving 10 or 25 years of their life sentences, regardless of the number of murders they have committed. Albina Guarneri's bill will remove that guarantee and will give the judges the opportunity to pass sentences that are proportionate to the crimes. It will give judges the full flexibility to add just one day or one year, up to an additional 25 years. The only murderers who will ever face this possibility would be murderers convicted of multiple murders.

Bill C-247 was Bill C-251 in the last session of Parliament. Bill C-251 was received here in the Senate on June 8, 1999, in the dying days of the session. On June 17, the Senate recessed for the summer and resumed on September 7. On September 17, Parliament was prorogued. Consequently, Bill C-251 died on our Order Paper. On October 19, in the House of Commons, Albina Guarneri introduced her Bill C-247, renumbered from Bill C-251. Bill C-247 received first reading in the Senate on November 2.

Honourable senators, this bill's journey through the Commons has been a four-year journey, in four numbered incarnations, being Bill C-274 and Bill C-321 in 1996, then Bill C-251 in 1997, and now Bill C-247. Its journey tells of the relevance of the opinion of the House of Commons to the cabinet and to the responsible minister. Bill C-247 is a private members' bill developed, advanced and sponsored in the House of Commons by Albina Guarnieri, the Liberal Member of Parliament from Mississauga East, near Toronto.

This bill responds to a major and pressing social issue — the condition of criminal justice in Canada. Albina Guarnieri has asked me to sponsor her bill here and to shepherd it through the Senate. I hold her in high esteem. She has endeavoured tenaciously to bring this bill forward in the face of many deliberately placed hurdles. I commend her. I thank her. All Canadians are indebted to her. I have supported her in these efforts, particularly in the difficult business of enduring the brutal blows that are meted out within one's own political party caucus, an area of human relations in need of serious introspection.

• (1510)

Honourable senators, Albina Guarnieri and I together attended the section 745 hearing of inmate Clifford Olson in Surrey, British Columbia, on August 18, 1997. There were no arrangements made by the Attorney General or the courts for members of Parliament to observe this hearing. Liberal House of Commons members Dan McTeague and Paul Steckle also attended, as did John Nunziata, a former Liberal member and now an independent, as did several Reform Party members. Christie Blatchford aptly described that hearing. In her *Toronto Sun* article of August 19, 1997, entitled, "Clifford Olson's 'macabre circus'", she wrote:

Liberal Sen. Anne Cools was so outraged she was almost incoherent, mumbling that the "macabre circus" inside the court was so malevolent she had to do something fast to get her blood sugar up or she couldn't listen any more.

Honourable senators, on December 1, 1998, during her testimony before the Commons Standing Committee on Justice and Human Rights on Bill C-251, now Bill C-247, Albina Guarnieri described that day's section 745 hearing, presided over by the British Columbia Supreme Court Justice Richard Low, with an insight of inmate Olson. She said:

For me, the most alarming moment in the Olson hearing occurred when Olson read out a letter from his lawyer advising him to admit to all his murders at once. This way, the lawyer indicated, Olson could take full advantage of concurrent sentencing.

Inmate Olson said that his lawyer advised him to take full advantage of concurrent sentencing.

Albina Guarnieri continued:

Olson mocked in the court, "They can't do nothing. They can only give me a concurrent sentence."

Just to give you a little taste of the other advice coming from Olson's esteemed member of the bar, Olson quoted a letter to him from his lawyer that said:

Let's plan a program, of which the first thing is to see that you are thoroughly protected from repercussions by overzealous boy-scout policemen.

Concurrent sentencing is advantageous for malevolent first- and second-degree multiple murderers. Albina Guarnieri has placed this burning public policy issue of criminal sentencing squarely before us, particularly the sentencing of cruel, wilful, incorrigible and malevolent multiple first- and second-degree murderers. This is sentencing for truly evil acts. "Evil" is a word rarely used because its use demands a definition of "good" and of the source of "good". Further, these words "good" and "evil" compel a moral debate and a debate on the notion of a transcendent being, a deity, God as a source of all goodness. In today's public square, public policy development and debate on these questions are devoid of moral conviction, resulting in what some have called "the naked public square." Many current political leaders have sought to divorce politics from morality and to divorce public office from personal conviction, claiming that they do so in the name of moral neutrality. Public and political debate in Parliament, in the public square, in the absence of principles and moral convictions, is a hollow and a failed debate. Debate in the public square and in Parliament absolutely requires that the participants bring their moral and ethical convictions to the debate, and that debate must include moral grounds.

Honourable senators, in recent times, many have declined to admit to the existence of human evil and that it has few explanations and theories. The very few explanations of evil that have been developed are theological. Yet, theological explanations are dismissed today in the name of moral neutrality. However, those who work in prison services, in policing, in prosecution and criminal law, and in human services — also in politics and political relations — understand that human evil exists. It does exist. They know also that human evil will damage anyone who comes too near. The nature and character of evil is to damage, hurt and impair good.

A psychiatrist, also a Roman Catholic, Dr. M. Scott Peck wrote about evil in his book, *People of the Lie: The Hope for Healing Human Evil*. About evil, which rightfully frightens most people, Dr. Peck wrote at page 42:

It is a reflection of the enormous mystery of the subject that we do not have a generally accepted definition of evil. Yet in our hearts I think we all have some understanding of its nature.

This learned psychiatrist informs us that there is no generally accepted definition of evil and of the enormous mystery and deficit in our comprehension of human evil. Dr. Peck also wrote at page 46:

Suffice it to acknowledge that although we do not yet have a body of scientific knowledge about human evil worthy of being dignified by the term 'psychology', behavioral scientists have laid a foundation that makes the development of such a psychology possible. Freud's discovery of the unconscious and Jung's concept of the Shadow are both basic.

Understanding our deficit in the knowledge of evil, he upheld Dr. Eric Fromm's attempt to study it. Dr. Peck added at page 47:

My own experience, however, is that evil human beings are quite common and usually appear quite ordinary to the superficial observer.

Honourable senators will recall that many commentators reported on how normal and ordinary Paul Bernardo and his wife Karla Homolka looked and seemed.

Honourable senators, the Clifford Olsons and the Karla Homolkas are not ill, mentally or physically. They are just bad. All can agree that the wilful, deliberate, cold-blooded, repeated taking of lives of other human beings is evil. The repeated acts of wilful, cold-blooded murders of humans, especially vulnerable, defenceless children, in brutal ways, in brutal acts of disordered sexual impulses, in paraphilias, and disordered sexual gratification, is evil. Such evil is not amenable to treatment or cure. Further, the current concept of mental illness and mental disease fails to explain and respond to evil because these offenders are not in a state of sickness or disease. The word "disease" means "dis" "ease" — without ease. They are not "dis" "eased" with their behaviour; they are quite at ease with it.

Inmate Olson is quite at ease with his condition. He signs his letters "Clifford Robert Olson, SERIAL KILLER of 11 Children." I received a letter from him signed in that manner. I raised a question of privilege here in the Senate on April 23, 1996, under rule 43(1) in respect of this letter. The Speaker of the Senate ruled that there was no *prima facie* case of breach of privilege. The fact is that letters from inmates in prison to senators and members of Parliament must be forwarded to them by prison authorities precisely because of parliamentary privilege. Inmate Olson's condition is not curable by medical doctors who treat persons who are ill. Inmate Olson is not ill and he is not sick — he is bad.

Honourable senators, this public policy question of sentencing and punishment in criminal justice is demanding Parliament's attention. Yet sadly this question continues to be ignored and neglected by Parliament. It appears that ministers and departments are content that Parliament be shut out of policy development on this crucial issue. This fact was made clear to

me when my own two separate Senate initiatives, my bills about inmate Karla Homolka and the questionable plea agreements, were arrested summarily and withdrawn from Parliament's consideration. In the first instance, in 1995, my first bill, Bill S-11, an act concerning one Karla Homolka, was defeated when the Senate Speaker ordered it struck off the Order Paper prior even to my motion for second reading and without any debate whatsoever. When reintroduced in 1997, renumbered as Bill S-16, an act concerning one Karla Homolka, the Speaker again ordered it struck off the Order Paper.

In the second instance, in 1996, on Bill S-3, an act to amend the Criminal Code (plea bargaining), my bill on plea bargaining was arrested without, in my opinion, proper and sufficient committee study, without proper debate and without hearing a single public witness. The only witnesses heard by the Legal and Constitutional Affairs Committee on Bill S-3 other than myself were Department of Justice officials, Mr. Yvan Roy and Mr. Fred Bobiasz, counsel in the Criminal Law Policy Section. They basically told the committee to defeat the bill. The committee never granted me my parliamentary right to reappear before the committee to answer Mr. Roy's and Mr. Bobiasz's testimony, testimony which I believed was political advice and not legal advice, as the committee rushed to defeat the bill.

• (1520)

My opponents were unwilling to have any debate or study whatsoever. They could have amended the bill or even defeated my parliamentary measure after robust study and debate. Instead, they withdrew the question from parliamentary consideration and debate. This country needs a proper and thorough parliamentary study of plea bargaining and plea agreements, particularly plea agreements with multiple murderers, including inmate Homolka and inmate Olson.

Honourable senators, at inmate Olson's section 745 hearing in Surrey, British Columbia, I learned that the same Mr. Yvan Roy of the Department of Justice was on site, providing helpful assistance to the media. Christie Blatchford, as already cited, noted the presence of these government persons in Surrey. She wrote:

...the folks from justice had gathered to provide 'information' about the controversial section.

She reported that those folks were Irene Arsenault, Manager, Media Relations, Public Affairs Division of the Department of Justice; Fraser Simons, Regional Director of the National Parole Board, Abbotsford Region; and, in Blatchford's own words, "the wheel" Yvan Roy. As you will recall, the engineers of the Homolka plea-bargain agreement were Ontario's Deputy Attorney General, George Thomson and his Assistant Deputy, Michael Code. I further note that, when my Homolka bills were before the Senate, that same George Thomson had become Deputy Minister of Justice to Minister of Justice Allan Rock here in Ottawa and, simultaneously, had become Mr. Roy's — "the wheel's" — boss.

Honourable senators, in Canada, parliamentary opinion on the administration of criminal justice is unwanted, particularly on the subject of punishment and sentencing. Bill C-247 is an unwanted parliamentary opinion that passed the Commons by majority vote, despite the fact that it was unwanted by the Minister of Justice. Clearly, the minister's desired opinion was not the opinion of the majority of the Commons. Observers are watching to learn if the Minister of Justice's opinion will prevail here in the Senate.

Albina Guarnieri asked us to consider this important question related to criminal justice, that is, the sentencing and punishment of malevolent murderers. She also posed the question of the representative parliamentary principle in making sentencing public policy, and most importantly, she posed the question of the value of a single human life in a judge's sentencing. Her real question is the value, the actual worth, of a single human life in the sentence of the murderer who has taken the lives of those for which he or she is being sentenced. On December 1, 1998, Albina Guarnieri told the Commons Standing Committee on Justice and Human Rights that:

I have come here today to ask for a full hearing on a perverse manipulation of justice that takes place without public input and without the support of Canadians. Concurrent sentencing is a mutation of justice that has resulted in sentences that bear no reflection on the severity of the crimes committed and all too often completely disregard the impact of a predator on the second, third, or eleventh victim.

Canadians never voted for concurrent sentencing. They were never asked if their identity, their Canadian identity, depended on having a more lenient sentencing system that includes volume discounts for rapists and murderers. Concurrent sentencing is foreign to the basic concept of justice.

The fact is, Canadians believe every act of murder or sexual assault, every victim, should matter in the sentencing equation.

In giving the committee the results of a poll that she herself had commissioned, one conducted by Liberal Party pollster POLLARA, she continued:

That is why 90% of Canadians support changing the law to ensure that people convicted of several murders or sexual assaults serve consecutive sentences for each offence.

That is the result of a national survey by POLLARA, conducted just last month. It also found that a mere 8% of Canadians support the status quo.

Our political and parliamentary condition is made manifest when members, who are representatives, must use pollsters rather

than reasoned debate to convince the political masters of the body public opinion. Albina Guarnieri continued to explain her bill as follows:

Bill C-251 seeks the recognition that each crime committed of the gravity of murder and sexual assault requires a response from the justice system. It is based on the principle that law and the rule of law must operate to protect individuals equally. If all victims, after the first victim of a sex offender or a murderer, are disregarded through concurrent sentencing, this principle is compromised.

The intent of my bill is to require that there be a consequence for each violation of the law. Consecutive terms of parole ineligibility for multiple first- and second-degree murders and a consecutive sentence for each sexual assault would result in proportional justice that is closer to the fair and balanced justice system Canadians want.

Honourable senators, Bill C-247 builds legislatively on the government's ground in the government's own Criminal Code section 745, even as amended in 1996 by Bill C-45, to amend the Criminal Code (judicial review of parole ineligibility). As we know, life imprisonment is the minimum sentence for first and second-degree murders. This was the 1976 political compromise to obtain agreement for the abolition of capital punishment. Life as a minimum sentence for first and second-degree murders was enacted with a fixed quantum of that imprisonment that the offender actually must serve in the penitentiary before eligibility to apply for parole. For first-degree murder, the parole eligibility date was set at the completion of 25 years of imprisonment, and for second-degree murder, at the completion of 10 years.

Honourable senators, the life sentence for first-degree murder and the 25 years of imprisonment actually served before eligibility for parole is frequently confounded in the public mind. A sentence of life imprisonment means precisely that — a sentence of imprisonment for life. The length of the inmate's warrant is that of his natural life. The inmate's warrant of sentence expires on the day the inmate dies. The terminology used by Corrections Canada is "warrant expiry date", abbreviated as WED. Their sentence is life imprisonment. There is much confusion about this. Many believe that the sentence of life imprisonment means 25 years and not life. The specified 25 years refers to the quantum of that life sentence that must be served in prison before the date of parole eligibility, at which time the inmate may apply for parole to the National Parole Board. Parole is that system of royal mercy, or royal clemency, that allows a sentenced prisoner to continue to serve his sentence outside the prison walls within the community. Another form of royal mercy was the commutation of death sentence to life imprisonment. That was statutorily achieved administratively in the 1976 political compromise to abolish capital punishment, but

it is now compromised by developments in the sentencing process which compromise justice itself. The reality is that the 25 years to parole eligibility date has now become the real and practical sentence for murderers and multiple murderers.

Honourable senators, section 745, popularly styled the "faint-hope clause", enables first- and second-degree murderers, after having served 15 years of their sentences, to apply to a superior court for a judicial review of their parole eligibility date, asking the court to reduce the quantum of imprisonment to parole eligibility date. In 1996, the government's Bill C-45 amended this section 745 to disallow multiple murderers from applying for judicial review of their parole ineligibility date. By this, the government accepted a large part of Albina Guarnieri's reasoning, admitting that multiple murderers must serve longer sentences prior to their parole eligibility date.

Honourable senators, I had questioned the very existence of section 745 and proposed that it be repealed because of its obvious insufficiencies in my 1996 Bill S-6, to amend the Criminal Code (period of ineligibility for parole). About Bill C-45, I had asserted that it was an amendment to an already flawed section 745. In debate on December 12, 1996, I said:

Honourable senators, in 1976, section 745 of the Criminal Code granted the courts unusual powers to review the sentences of upper courts — powers normally reserved to courts of appeal, to clemency agencies, or to governor generals themselves. It granted courts the unusual powers to alter sentences imposed by the sentencing courts. This is something reserved for the courts of appeal and for the clemency authorities.

• (1530)

Section 745 took the unusual step of conferring the power of clemency upon the courts. Such powers of clemency rightfully belong with the clemency granting agencies. The power to grant clemency to the already convicted and sentenced belongs with the National Parole Board of Canada, the Crown, the Sovereign and the Governor General's royal powers of mercy, and royal prerogative of mercy, which are exercised on the advice of a responsible minister. That is to say, exercised on the advice of the executive.

Bill C-45 will grant these powers to chief justices which will diminish the powers of Parliament to respond to the will of the people. It will, in turn, enhance the powers of the chief justices. As we know, constitutionally, these powers do not properly belong with the chief justices or the courts because they are political powers. These are powers exercised by the representatives of the body politic.

The issue of imposing sentences belong to the courts, but the issue of sentence mitigation, sentence alteration and

mercy are political questions and belong in political hands — that is, in the hands of responsible ministers and exercised by cabinet, who are responsible to Parliament. These questions should be dealt with by people who will answer to the public will for the exercise of these powers. Her Majesty's clemency and mercy powers are not the proper business of the courts or of judges but, rather, are matters for the executive. They are executive powers.

Honourable senators, to create her bill for consecutive sentencing, Albina Guarnieri built on the very same ground created by the government in section 745, which granted judges the jurisdiction to determine parole eligibility dates. For multiple malevolent murderers, Bill C-247 enacts that on sentencing for additional murders, judges may expand the parole ineligibility period by adding years to be served before parole eligibility dates, but limits these additional years to a maximum of 25 additional years. Alternately stated, it limits judges' powers in sentencing to a total of 50 years imprisonment before the inmate's eligibility for parole date. Section 745 was a 1976 political solution resulting from a 1976 compromise. New solutions are required, and the absence of new solutions for the virulent psychopathies will fuel the public's lack of confidence in the system and fuel the public clamour for a return to capital punishment. Bill C-247 is a year 2000 compromise, resulting from the current practices and insufficiencies in section 745, and in sentencing malevolent offenders in general.

Honourable senators, the reality of homicidal psychopathies and psychopathologies is that psychopaths and sociopaths are more devious, cunning and more ingenious and resourceful than the authorities. Apprehension and successful prosecution of malevolent offenders is difficult, and these offenders take advantage of prosecutorial difficulties. The cases of inmate Olson and inmate Homolka make that abundantly clear. The fact that inmate Homolka is going back to court to sue the government proves my point.

Honourable senators, criminal justice, its processes of prosecution, plea agreement, sentencing and parole are compelling Parliament's review. At inmate Olson's section 745 hearing, I witnessed this colossal caricature of justice. The presiding judge presided over a political hearing. That hearing was a political one, not a legal one. The judge and jury and everyone present in that room knew this. We do judges and judicial independence a terrible disservice to engage judges this way. I have no doubt that the majority of Canadians could see inmate Olson drawn, quartered, pilloried and beheaded without flinching, because his crimes were and are so repugnant to our own sense of humanity, but we do not believe in capital punishment. That is why we are where we are today. Inmate Olson has cost this country billions of dollars with his many legal frolics, lawsuits, and so-called legal battles, including his section 745 hearing. Sadly, the one good purpose that his notoriety has served is to keep him behind bars. I can tell you that no one will let him out. His most natural equivalent is Karla Homolka.

Honourable senators, I served as a member on the National Parole Board. I studied many files, autopsy reports, police reports, judgments and judges' sentencing statements. I interviewed many inmates and granted and revoked many paroles. I learned that the wilful homicidal impulse of such offenders, accompanied by their predatory instincts, executed by their characteristic for deceit is very rare, but it is more common than either we think or we care to admit. These predators' ability to choose victims by attaching and exploiting their victims' vulnerability is diabolical. Little is said in these chambers about paraphilias and psychopathy, psychopaths, sociopaths, character disorders and evil. The disordered erotic, homicidal impulses of the Homolkas and the Olsons and their consequence for justice need debate. Their lack of human pity, their calculated deception, their disordered sexual lusts, their aggression, and their total narcissism and corrupted self-extravagance is beyond the comprehension of most of us. However, their ability and their success in manipulating people and systems, particularly democratic systems, and their reliance on people's disbelief and naivete is needing our study. In his book *On Sexuality: Three Essays on the Theory of Sexuality and Other Works*, Volume 7, Dr. Sigmund Freud wrote about disordered sexual impulses. He said, at page 111, 1979 Penguin edition, that:

The absence of the barrier of pity brings with it a danger that the connection between the cruel and the erotogenic instincts, thus established in childhood, may prove unbreakable in later life.

We are talking now about malevolent sexual deviants here. We are talking about sentencing for crimes and murders actuated by cruel, incorrigible, homicidal, erotogenic impulses.

Honourable senators, the exercise of the sovereign power in the punishment of crime is one of the essential aspects of the administration of justice. Michel Foucault, France's scholar on punishment, in his masterpiece book *Discipline & Punish: The Birth of the Prison*, wrote about the sovereign's rights and powers in justice, retribution, and the royal prerogative under which all prosecutions, trials and sentencing ensue. He wrote, at page 48:

The right to punish, therefore, is an aspect of the sovereign's right to make war on his enemies: to punish belongs to 'that absolute power of life and death which Roman law calls *merum imperium*, a right by virtue of which the prince sees that his law is respected by ordering the punishment of crime....But punishment is also a way of exacting retribution that is both personal and public, since the physico-political force of the sovereign is in a sense present in the law': ...

Honourable senators, I repeat, retribution. In our system, the language we use is the royal prerogative in justice. The Queen's presence in the law, as in the lexicon *Regina v. Homolka*, proves clearly the right of every citizen to justice from the Queen, the

fount of justice. It proves the right to justice of both the accuser, the Queen, and the victims, like little Leslie Mahaffy and little Kristen French, mere children. Debra Mahaffy, Mr. Mahaffy, Mr. and Mrs. French, Darlene Boyd, Wendy Carroll and countless others have a right to the Queen's justice, in whose name each prosecution and trial is undertaken, and in whose name mercy and clemency, as in parole and remission, are granted. Punishment and sentencing for crimes stand on the principles that are described as deterrence, incapacitation, rehabilitation, and retribution. Retribution, as distinct from vengeance, is the just result of the offender's own injury offered by that offender against the Queen's peace and against the persons who are the Queen's subjects and, in the cases mentioned, all children. Retribution of the Queen's justice can always be tempered by the Queen's mercy.

• (1540)

Honorable senators, the need for reform in criminal justice is evident. It is overdue. Nova Scotia Court of Appeal Justice MacKeigan articulates the case for consecutive sentencing most soundly. In his 1975 judgment in *R. v. Muise*, he wrote at page 443:

That belief, to which I still adhere despite the very able argument of counsel for Muise, flows from my conviction that the law, in conferring the power and imposing the duty on a Judge of sentencing a convicted person to a term of imprisonment, should not be construed as forcing the Judge in any case to make a term of imprisonment on a second offence concurrent with the term imposed by him or some other Judge for another offence. A so-called concurrent sentence does not sentence the convicted person to a term of any imprisonment at all since it does not require him to serve a single day of imprisonment; a person cannot serve in jail the same day twice any more than he can be successfully hanged twice. A Judge in imposing a concurrent sentence is therefore not carrying out his duty unless he can find in the *Code* or the general criminal law authority so to do.

I ask all honourable senators to give Bill C-247 appropriate consideration and study. My experience of the universe and my career path have been different from others', but I tell you that one sees life quite differently when one has studied the kind and quality of cases that I have studied. I want to make it clear that, in this instance, we are speaking about malevolent, multiple murderers. We are not talking about the poor young fellow who is in a state of upset or anger with parents and who manages to find himself involved in an armed robbery. We are not talking about the traditional juvenile delinquent here. We are talking about people who set out very cold-bloodedly to take life and do so wilfully with premeditation and cruelty. Clearly it is time for the system and for us in this chamber to come to terms with psychopathy.

Hon. Sheila Finestone: Honourable senators, I would like to pose a question on the articulate, well-presented and carefully designed presentation about a very contentious and difficult bill. It would not be appropriate for me in this environment to say Senator Cools could have done a one-woman play — she could have — but I do suggest that the issue is a very difficult one.

Senator Cools is a very enlightened person in this field. Perhaps she could explain something to us, before we must make our decision: If a judge or a parole board cannot make a decision about a perpetrator of a heinous crime, for whom there is really no sufficient justice, then is there no way to prevent the use of this section 745?

Senator Cools: I thank the honourable senator for her question. That is the dilemma which has been posed by section 745 of the Criminal Code. As far as I know, most senators here are strong abolitionists who do not wish to see capital punishment ever used again as a system of punishment.

At the time that section 745 was enacted, it was not anticipated that each and every convicted murderer would avail himself or herself of that clause. What has developed in point of fact is an extremely routine use of that clause and that is problematic.

The record on this is quite clear. In Bill C-45, the government and Mr. Rock, the justice minister at the time, made some changes to section 745 to provide some limitations. Bill C-247 advances the position that all those changes have been insufficient and that more are required.

I know many senators wish to speak on this bill. In my speech to close second-reading debate, it is my intention to bring forward the history of punishment and parole. I will lay out before the Senate the history of case law as it has developed in the last 20 years and how it has led to the current situation in sentencing.

Honourable Senator Finestone has hit the nail on the head. The issue needs our attention. I hope some of these issues will come out in debate.

Why do the judges not currently avail themselves of consecutive sentencing? We can look to Mr. Olson as an example because it is easier to use a particular subject who is well known and notorious.

Senator Finestone: He was very unusual.

Senator Cools: All murder is unusual, I submit. If one wanted to use the argument of unusualness, then we would need no laws against murder because murder, in and of itself, is an unusual occurrence. Otherwise our race would be extinct. That is quite true.

I have a host of information about these kinds of individuals. What is not that unusual among murderers are those committing murder again and again. That is not that unusual among that class of persons whom we would now describe as multiple murderers.

Some people, including Albina Guarnieri, believe a statute is necessary because of a need to codify the common law. Essentially, case law over the last 20 years has developed in a direction which has not encouraged judges to impose consecutive sentences. If one could roll the clock back to 1980 and try the case of a murderer such as Mr. Olson, perhaps he could have had a different sentence than his present 11 concurrent sentences of life imprisonment and the case law would be different.

We must remember the principle that a human being only has one life to serve. That is absolutely true. For example, in the United States of America sentences are imposed of 200 years or 300 years. We do not do that in this country. In the history of capital punishment there was a time when people were executed many times.

• (1550)

Therefore, a person could be sentenced to die for one crime by being beheaded, which was usually the path for the aristocrat. A person could be sentenced to die by being quartered, then dismembered, then boiled in oil. There used to be many, many different ways to kill the same person many times. In the 1790s, when Mr. J.J. Guillotin introduced the guillotine, however barbaric it seems to us in today's community, it was at that time thought to be a fantastic advance in the development of punishment.

It was deemed at the time that every human being had only one life to give; they should die one time only. When Mr. Guillotin introduced his reform, he said that a human being should die once only and it should be swiftly and quickly.

I hope I have assisted the honourable senator somewhat.

Hon. Pierre Claude Nolin: Did the Honourable Senator Cools say that Mr. Olson will never be free?

Senator Cools: Yes, I said something to that effect.

Senator Nolin: If this man will remain in jail for the rest of his life, would the honourable senator explain why the rule of law will permit this individual to remain in prison for the rest of his life?

Senator Cools: This is not a question of the rule of law. The sentence that was imposed on Mr. Olson was the sentence of life imprisonment and the powers of the courts provide for a judicial review to review of his parole eligibility date after 15 years.

When I said that Mr. Olson would never be free, perhaps I should not have said "never". What I should have said is that, at this point in time, the entire system and every single person involved in the system with Mr. Olson is very well aware of the height of public repugnance and the depth of public feeling toward Mr. Olson. I am saying to honourable senators that that very strong public sentiment is a constraining factor. That was evident that day at the hearing in Surrey, British Columbia.

I am here to tell honourable senators, and Senator Nolin in particular, that if the public were to stop their Olson-watch for a moment, there is a possibility that, somehow or other, the man could be released. I have seen many inmates of whom I have heard it said that they will kill when they leave prison. When I say that I heard them say these things, I mean it was in the reports that they meant to go out of prison and kill. I tell the honourable senator that if he ever comes face-to-face, as I have in the system, with some of these individuals, he will find them pretty scary.

When we were studying Bill C-45, we had a list of section 745 inmates, some of them I saw myself when I was on the National Parole Board. In particular, in looking at that list, I remember the name of one inmate who had pledged to everyone around that he would go out and kill again.

Senator Nolin: Let us be clear.

[Translation]

The Hon. the Speaker: Honourable senators, the allotted time for speeches and questions is over. Is it your pleasure, honourable senators, to extend this period.

Hon. Senators: Agreed.

[English]

Senator Nolin: Honourable senators, we need to be clear now. If the parole board is entitled to take a decision, the board is entitled because the law gives the board the authority to do it. When I speak about the rule of law, that is exactly what I am speaking about.

I am shocked that Senator Cools, as a former commissioner, was entitled to take such a decision as a commissioner. She is now telling us that at the time she was convinced that some of the individuals who came in front of her were future criminals, and she did not take action.

Senator Cools: Yes, we did.

Senator Nolin: Are they still in jail?

Senator Cools: In that particular instance, I revoked his mandatory supervision absolutely. He was returned. I am speaking of years later.

Senator Nolin: You are proving my case.

The law in Canada gives all the authority to the board and to different justice ministers and provinces.

[Translation]

I do not think such an individual can be rehabilitated.

[English]

What I am saying is that the laws presently in place, if properly administered, can cure such problems. That is my question; "yes" or "no"?

Senator Cools: I would say "no". The law and the administration of the law are insufficient and inadequate to the task.

Senator Nolin: If it is not sufficient, does the honourable senator think that two or three consecutive sentences would cure the problem?

Senator Cools: What I am saying to the honourable senator — and I think he knows quite well what I am saying to him — is that the principles of sentencing are four-fold, and any judge or jury that is looking at sentencing must balance those four principles one after the other.

One of the principles of sentencing is incapacitation; that is, whether the individual will be incapacitated from committing another crime. What I am saying to the honourable senator, who is reluctant to agree, but I shall do my best to persuade him in the next little while, although I admit it will be difficult, is that there is something needing correction.

Honourable senators, I happen to have with me a newspaper article which someone gave me a few days ago. I had never heard of this particular inmate before, but it is an inmate by the name of Adrian Kinkead. I can pass the clipping to the honourable senator, but this is an individual who was out and killed in between sentences.

I do not have all the details, as I have not read the case so I am really at a disadvantage. It is just a newspaper article upon which I am relying for information. In this particular case, the Crown Attorney asked the judge to reserve judgment until this bill had been enacted.

What I am saying to the Honourable Senator Nolin is that whether it is this case or another, the fact of the matter is that we are at a stage in our political development where Parliament must give these issues some attention and study. I do not expect to change the honourable senator's mind today. What I would like to persuade him to do is to study the matter carefully.

Senator Nolin: The honourable senator is asking this chamber to vote at second reading on a change in principle.

Senator Cools: There is no change in principle.

Senator Nolin: That is what the honourable senator is asking. You need to make your case because as yet you have not done so.

Senator Cools: There is no change.

Senator Nolin: In the honourable senator's last answer she referred to the four principles. I think colleagues should be informed or remember that up until a few decades ago we were whipping rapists in Canada.

Senator Cools: Sure, we used to execute them.

Senator Nolin: Why have we changed that? By the way, we do not call them “rapists” any more.

Senator Finestone: What do you call those people now?

• (16:00)

Senator Nolin: I believe they are referred to as “sexual aggressors.”

We have evolved. Our sentencing involves not only punishment.

Senator Cools: It is a bad example, but that is all right.

Senator Nolin: Let me finish my question, please. I allowed the honourable senator to finish her speech.

We are no longer in the punishment business only. Sentencing operates on certain principles and the honourable senator must explain to this chamber, before we vote on second reading, which principle she wants changed, why she wants it changed, and how that change will affect other principles. If she is able to convince me, I will gladly support her in second reading. I do not think, as of now, from what I have heard, that the honourable senator has made her case. Perhaps we should send the bill to committee for study before we vote on second reading because many principles are at stake here.

The honourable senator stated that we all agree that the death penalty should no longer be available as a sentencing tool. Why? There are some reasons for that. Perhaps those reasons should be examined now. Please do not question my motives.

Senator Cools: I am not questioning the honourable senator's motives. I said that I wish he had been as enthusiastic when we were considering Bill C-45, for example. There is no doubt that Bill C-247 builds particularly — and the committee is welcome to hear from witnesses such as Professors Manfredi and Knopff — on the four principles of sentencing. What it does, very clearly, is deal with, in a more streamlined way, the particular principle of proportionality, which is that the sentence be proportionate to the crime.

The basis for the honourable senator's suggestion that this bill is not in concert with the principles of sentencing eludes me somewhat, and I will tell the honourable senator why. This bill has already been passed by the House of Commons and, in the course of its passage, I suspect that many people have had a look at this bill. This is not a Private Member's Bill that has just been introduced. This bill has had four years of examination and scrutiny in the House of Commons.

I say to the honourable senator, very clearly, that the bill upholds and asserts the principle of deterrence, the principle of rehabilitation, the principle of incapacitation and the principle of proportionality. Those are the principles of sentencing. This bill is perfectly consonant with those principles. In addition, this bill

builds exactly politically and legally on the groundwork that the government has laid. The government created section 745, which gave judges — previously unknown — the ability to set parole eligibility dates. This bill builds on that section. It is not only consonant with the principles of sentencing, it is quite consonant with the government policy of the last many years as developed in its legislative drafting and in its legislative development of its initiatives, particularly Bill C-45, the current version of that bill, and the addition of section 745 to the Criminal Code.

Senator Nolin: I am sure that in her study of this matter, the honourable senator is aware that one of the principles at stake is the Charter of Rights and Freedoms. I am sure the honourable senator has considered that.

Senator Cools: I would assure the honourable senator that I have examined most issues he could raise. He must just trust me on that. I have looked at the Charter.

Senator Nolin: Just to make it very clear, would a double life sentence mean a minimum of 50 years imprisonment?

Senator Cools: That is not what the bill is proposing at all. Perhaps the honourable senators does not understand the bill.

Senator Nolin: What would be the minimum life sentence?

Senator Cools: The minimum would remain consistent with what is in the statute. Whatever the law currently prescribes as the penalty, is what this bill prescribes.

Perhaps it is not clear to the honourable senator so maybe there is some hope that I can persuade him yet. This bill allows the judge, in the cases of multiple murder sentencing, to add an additional day, or an additional year or an additional six months or whatever, to the particular parole eligibility date. Therefore, if an inmate is tried, convicted and sentenced to life on multiple charges of second-degree murder, the judge can sentence him to 10 years imprisonment on one murder conviction, and add two three years as a part of the quantum of life sentence that must be served in prison before the date of parole eligibility.

The honourable senator seems to believe that this bill just adds another 25 years to the sentence. It does not. The bill limits on any sentence a judge may hand down. Therefore, the bill gives a judge the power to add an additional year, or two or three or 10, but limits the power of the judge to an additional total of 25 years.

I hope the honourable senator understands it now.

Senator Nolin: The honourable senator must be clear for our colleagues. We are talking about life sentences. We are not talking of one year, two years, five years or even seven years. If the evidence is there to prove that a certain gentleman has killed three people on separate occasions, and in different environments, he can be sentenced to three life sentences. We are not talking about one, two or three years.

Senator Cools: Yes, we are.

Senator Nolin: Would the honourable senator explain that to me, please?

Senator Cools: I would be happy to explain it to the honourable senator. As I said before, Albina Guarnieri has built on the legislative ground created by section 745, which relates to judges expanding or postponing the parole eligibility date. That is the current regime.

This bill will allow a judge, in the instance of another sentence, to add another five years or another two years to the parole ineligibility period. That aspect of the bill is quite cleverly designed because it is built on the reasoning behind the development of section 745 and the amendments to section 745 contained in Bill C-45. The reasoning is exactly the same.

Senator Nolin: What would be the maximum?

Senator Cools: I just told the honourable senator. The bill allows — perhaps the honourable senator is just testing me to see if I know what I am saying — a judge, in his discretion, to extend the parole ineligibility date in accordance with the details of the crime, in accordance with the personal circumstances of the inmate. The bill then specifies, however, that the extra power being given to judges to extend that parole ineligibility date is set, eclipsed and sealed to an additional total of 25 years. That is the limit.

Senator Nolin: An addition of 25 years.

Senator Cools: There is no one additional 25 years. There is an addition to a total of 25 years.

Senator Nolin: You just said that.

Senator Cools: I did not. I said that it is time added for each charge to the period of the sentence served prior to the parole eligibility date. In other words, in the case of a life sentence, the life sentence remains. The inmate's sentence is still life. It is the day of parole eligibility that is postponed. The inmate must still serve his life sentence. Therefore, the exact powers that were given to a judge in section 745 are the same powers that Bill C-247 is proposing, except that they are an expanded version of what is contained in section 745.

• (1610)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, before adjourning the debate in the name of one of my colleagues, Senator Cools, in a most important and interesting address this afternoon, raised a number of questions. I must confess that my attention was drawn to her citation from Sigmund Freud providing an explanation of sociopathic character disorder.

I am sure that many in the school of psychoanalysis, which was founded by Sigmund Freud, would develop their particular understanding of why people behave the way they do, particularly those people in the population that this legislation will address. It would be somewhat remiss, however, if we did

not point out that there are many theories of personality. I would think, for example, that the individual school of psychology of Alfred Adler has as far more positive view of human personality, and that, indeed, even the school of psychoanalysis developed by Carl Gustav Jung has a more hopeful view of the human personality, including those who might clinically be diagnosed as having sociopathic character disorder.

There is also the whole school of psychology, clinical and social, that views the human personality as very much subject to and amenable to social learning and correction.

The point I wish to bring to the debate is that the human person, according to psychologists of many other schools, is indeed subject to correction and radical behavioural change. I would not want the debate to be left untested in terms of the more pessimistic view, which I think is the view developed by Sigmund Freud.

Having said that, honourable senators, I move the adjournment of the debate in the name of Senator Di Nino.

On motion of Senator Kinsella, for Senator Di Nino, debate adjourned.

COMMITTEE OF SELECTION

CONSIDERATION OF THIRD REPORT—ORDER WITHDRAWN

On the Order:

Consideration of the third report of the Committee of Selection (*Speaker pro tempore*), presented in the Senate on November 2, 1999.—(*Honourable Senator Mercier*)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, in that the Senate has now dealt with the fifth report of the Committee of Selection, this third report is no longer relevant to our proceedings and I would ask for leave that it be withdrawn from the Order Paper.

The Hon. the Speaker: Is it agreed, honourable senators, that this order be withdrawn from the Order Paper?

Hon. Senators: Agreed.

Order withdrawn.

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION REQUESTING AUTHORITY TO APPLY PAPERS AND EVIDENCE GATHERED ON EXAMINATION OF PREVIOUS BILL TO STUDY OF CURRENT BILL—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-17, to amend the Criminal Code respecting criminal harassment and other related matters, in the First Session of the Thirty-sixth Parliament be referred to the Committee, when and if it is formed, for its present study of Bill S-6.—(*Honourable Senator Cools*)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, the item to which we were going to revert relates to Senator Kinsella's point of order on the wording of this motion

I have already commented on this. Senator Kinsella may wish to add a comment. There is a request for clarification on the orderliness of this motion, in particular the direction that papers and evidence previously received be taken as evidence before the Standing Senate Committee on Legal and Constitutional Affairs.

I will defer to Senator Cools at this time.

Hon. Anne C. Cools: Honourable senators, having been on my feet for the past hour, I would move that this matter be adjourned until tomorrow.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we would not oppose the adjournment of the motion of Senator Oliver. However, it would be helpful if the point of order I raised could be addressed because we now have a motion from this side and a notice of motion from the other side. I understand that Senator Cools has been active this afternoon on another item and that His Honour will be absent later. However, there may be other occasions on which senators would want to have previous testimony referred to committees. There being two schools of thought on this, I believe that we must settle this today before His Honour leaves the chamber.

On page 90 of the *Debates of the Senate* of November 3, 1999, Senator Oliver indicated that there are precedents. He said that the exact wording of his motion appeared in a motion dealing with the Standing Senate Committee on Aboriginal Peoples.

This afternoon, we had on our desks the report of the Standing Senate Committee on Foreign Affairs relating to its study on Europe. On the second page of that report, the order of reference is reproduced. In that order of reference we find exactly the same wording, that is, that papers and evidence received and taken on the subject and work accomplished by the Standing Senate Committee on Foreign Affairs during the first session of the Thirty-sixth Parliament ought to be referred to the committee.

It is our position that the appropriate way in which we have dealt with these matters in the past ought to continue.

Senator Cools: Honourable senators, I will respond in order not to lose the opportunity to say a few words on this point of order.

I would make it clear at outset that the issue before us is not simply that of making a reference to a committee, the issue before us is our appropriate parliamentary response to a prorogation. The fact is that Parliament prorogued some months ago and is now in session again. In order to give this matter proper consideration, we must study the issue of committee deliberations that were not completed before prorogation.

I believe that Bill C-7 is totally different from Bill S-17.

• (1620)

We must remember that when a bill is committed to a committee, in this instance the Standing Senate Committee on Legal and Constitutional Affairs, the bill is precisely there. It is still in a state of committal. It was left in the committee. With prorogation, everything there died.

The question is this: How does the Senate go about the business of referring to a committee something of which it has never had cognizance? When a committee receives a reference from the Senate, the way it obeys the reference is to study the bill. Its obedience to the reference is indicated through the committee report to the Senate.

I happen to have with me, Senator Kinsella, a particular citation. We are talking about a bill that was committed, and the word is "committed".

Beauchesne's sixth edition, paragraph 874, states clearly:

When committees have not completed their enquiries before the end of the session, they may report this fact to the House together with any evidence which may have been taken.

The report is proof itself that evidence has been taken.

In their report, they may recommend that the same subject matter, with the evidence taken in that session, be referred again in the new session.

Therefore, in the instance of Bill C-7, which was a government bill backed by the entire machinery of government and the entire power of a party caucus here, the proper way to have proceeded at the time was for the chairman of the committee to rise in the Senate and to make a report stating that the study of the bill was incomplete and that the committee would like to position itself for the future, as we know governments want to resuscitate all important questions and material put before them.

If we slide our eyes down from paragraph 874 to paragraph 875, we read the following:

A committee cannot report the evidence taken before a similar committee in a previous session, except as an appendix, unless it has received authority from the House to consider that evidence.

The operative words here are "to consider that evidence." In other words, in the instance of Senator Milne, who was chair of the committee and is a hard-working senator, the government has an interest in being able to look again at all the evidence placed before that committee and being able to expedite the business of the committee. Senator Milne and her committee want to be able to report the evidence in this session.

We also must be aware that, in general, any committee at any time can study and use documents and proceedings from any other committee, or even its own proceedings and evidence. In this instance, the Legal and Constitutional Affairs Committee wants to be able to report the evidence taken. It is in order, I believe, to come to the Senate to look for that authority because Beauchesne very clearly shows that some authority is needed from the Senate. The question is, authority for what?

To the extent that the Senate has never received a report from the committee on either of those bills, the Senate has no cognizance, or no possession of the study of those two bills. Consequently, we do not need in this session an order from the Senate referring the evidence and testimony back to the committee because the Senate does not have possession of the evidence in order to refer it. What is required is for the Senate to give the committee an instruction, in the proper format, asking the committee, in its consideration of this new bill, to consider the evidence that was placed before it by witnesses on the other bill. What is required is an order from the Senate, an instruction, asking the committee in its deliberations to include and to consider that evidence, not for the Senate to refer what it does not have.

Honourable senators, they are two different bills, and Bill C-7 deserves proper and sufficient procedural treatment. Bill C-7 was reintroduced in the House of Commons and fast-tracked. Basically, they put down an order authorizing themselves to fast-track it and deemed it passed. Therefore, if Senator Milne and her committee and Senator Fraser want to give Bill C-7 due diligence and study, it appears to me to be a matter of moving ahead procedurally in an appropriate way. The proper way to proceed is not to ask the Senate to refer evidence it does not have, but to ask the committee to consider that evidence taken in its deliberations. I hope I have made that clear, but I would be happy to explain further.

When Senator Oliver proposed his motion, which he did so with unanimous consent, I rose and asked him if it was an instruction to the committee. Perhaps he had not read the rule, but I believe his motion was moved pursuant to rule 58(1). In response to my question, he said it was not an instruction to the committee. I read rule 58(1)(f), and it states:

for an instruction to a committee.

Therefore, the motion substantively is an instruction to the committee.

I had intended to speak to Senator Oliver's motion more fully tomorrow and to suggest an amendment that could have been satisfied easily — changing the word "refer" to "consider". However, that is now an academic point.

I think it incumbent upon us as a functioning and vital part of the Parliament of Canada to pay due attention to the proper execution of proper motions. We are sometimes a little careless, although that is a very strong word. We do many things that, with very little effort, we could do much better. The intention of Senator Fraser's notice of motion is to put the subject matter before the committee fairly, squarely and properly so that the committee can give the bill the kind of study and diligence it deserves.

• (1630)

Honourable senators, I probably could have done better had I waited until tomorrow to address these issues, but I did not want to lose the opportunity to do so today. The fact of the matter is that the committee is free to study all the other witnesses' testimony. The only thing it is not free to do is the item as articulated in section 875, namely, they cannot report it except as an appendix. The committee has as much power as it needs. This was an additional requirement.

The Hon. the Speaker: If no other honourable senator wishes to speak, I am prepared to rule on the question.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, when this issue was raised originally, I went to the precedents of the Senate. I shall try now to deal with this matter in a logical sequence.

First, I wish to deal with the question concerning whether or not Senator Oliver's motion was properly before us. Senator Cools referred to rule 58(1), which requires a day's notice. However, if you go back to the *Debates of the Senate* for November 3, it is clear that when Senator Oliver proposed the motion he said:

...with leave of the Senate, and notwithstanding rule 58(1)...

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Oliver's motion was quite properly before the Senate because leave had been granted.

Second, I wish to refer all honourable senators to the *Rules of the Senate*, Part I, "Interpretation", which states:

1. (1) In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

It is clear that our rules, practices, customs, and usages take precedence over Bourinot or Beauséne or other such references. We first go to our rules and then we go to our practices and precedents. Two of our practices and precedents have been detailed by the Honourable Senator Kinsella. Regarding the motion by the Honourable Senator Stewart earlier today, the order of reference is clear:

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Foreign Affairs during the First Session of the Thirty-sixth Parliament be referred to the Committee;

As well, Senator Oliver, as indicated by Senator Kinsella, had indicated again on November 3, in the *Debates of the Senate*, page 90, that there had been a previous occasion where this was done. He refers to the *Journals of the Senate* on April 2, 1998, at page 584, where papers and evidence received on Bills S-10 and S-12 were referred to the committee for its study of Bill S-14. I can find other precedents if honourable senators require them. However, my understanding is that this has been a common practice in the Senate. The reason for doing it is not to force witnesses to come a second time to speak on the same subject and also not to have to do all the research a second time on a matter that has already been discussed in a Senate committee or before the Senate. That is the reason for the past practice and that is how it has evolved.

Reference was made by Senator Cools to Beauséne. As I pointed out, our practices take precedence over Beauséne. However, even if you read Beauséne, paragraph 874, it does not say that they shall report to the House, it says that "they may report to the House." In my view, that does not exclude, then, the Senate from taking another practice because there is no compulsion. It does not say that if this has not been done, you cannot take another practice. Our practice has been different. I rule that it is in order for us to proceed with Senator Oliver's motion.

Do you wish the matter to remain standing in Honourable Senator Cools' name?

Hon. Anne C. Cools: Yes.

The Hon. the Speaker: It will remain standing in Honourable Senator Cools' name, then.

Order stands in name of Senator Cools.

CONFERENCE ON WOMEN'S EQUALITY AND PARTICIPATION IN PUBLIC LIFE

INQUIRY

Hon. Lorna Milne rose pursuant to notice of November 2, 1999:

That she will call the attention of the Senate to her recent participation, respecting the 70th anniversary of the Person's Case, at a conference on Women's Equality and Participation in Public Life in Canada and the United Kingdom on October 21 and 22, 1999, in London, England.

She said: Honourable senators, a month ago I was asked by the Women's Liberal Caucus to represent them at the Conference on Women's Equality and Participation in Public Life in Canada and the United Kingdom, the first in a series that will highlight women crossing borders, women in business and, finally, women in science. The series was organized by Debra Davis and held in Canada House, on Trafalgar Square, to celebrate the seventieth anniversary of the ruling by the Judicial Committee of the British Privy Council that women are persons in law. Since no Canadian senators had been invited to or even informed of this conference, I agreed that our presence was necessary. After all, we women senators on both sides of this house are the direct beneficiaries of the tremendous efforts put forward by the Famous Five: Nellie McClung, Irene Parlby, Louise McKinney, Henrietta Muir Edwards and Emily Murphy. I travelled to London — at my own expense, I hasten to add — to represent Canadian Liberal parliamentarians at the conference.

The conference was divided into several panels, some of which I will highlight for you. Nancy Ruth, whose grandfather had been the lawyer for the Famous Five, opened the conference on Thursday, October 21, and gave us a slightly different aspect of the history of the Person's Case. In 1929, the Ramsay MacDonald government had just been elected in Great Britain, a labour government. The make-up of the Privy Council Judicial Committee had changed and the timing was right for such a decision. The justices declared, as part of their decision, "The Constitution is like a living tree," and so must change with the times. However, back in Canada, in spite of the battle that she had won, Emily Murphy was a Tory from the West and the first opening in the Senate was in Ontario. When the Right Honourable R.B. Bennett, a Progressive Conservative, became prime minister, there was an opening in the West, but Bennett claimed that he wanted "a Roman Catholic since the last appointee was a Protestant." I think it was just an excuse not to appoint Emily.

The next speaker was Frances Wright of Calgary. She is president and CEO of the Famous Five Foundation. She has single-handedly raised the money, with the generous help of five Canadian women, one of whom sits in the Senate, namely, Senator Poy, who is not here right now. She was one of the very generous donors for this wonderful statue that now stands in Calgary. This statue was unveiled on October 18, the fiftieth anniversary of the Privy Council decision. Next year another statue will be unveiled on Parliament Hill, just out here between the East Block and the Senate end of the Centre Block.

Last week, I made a brief stopover in Calgary after attending the Liberal Party of Canada in Alberta Annual General Meeting held in Edmonton. While in Calgary I visited this impressive new monument. As I sat for a moment on Emily's chair, a woman came running from a nearby restaurant in her shirt sleeves. It was Frances Wright, just keeping a friendly eye on her statues.

The next speaker at the conference was Cherie Booth, Q.C. She is Tony Blair's wife, and it was a real coup for Canada to have her as a speaker. She is an extremely intelligent and capable woman in her own right. She spoke "off the record" and at length on "Equality in the Workplace: Our Ongoing Challenge." She was very open about her opinions and also about the situation, still, of women in the professions in Britain. Some of the non-confidential statistics that she cited are the fact that there are no women in the highest court in Great Britain, and very few women have been named Queen's Counsel, in spite of the fact that 25 per cent of all barristers in Great Britain are women. She said:

You have all heard the story of Allerednic —

That is Cinderella spelled backwards. She continued:

The prince marries a princess and turns her into a scullery maid.

This is, apparently, the true-life situation of many British women.

• (1640)

The second panel was titled, "From the Periphery to the Centre: Making Women's Voices Heard." It was chaired by Sandra Anstey, President of Anstey Associates, of Toronto. She pointed out that the UN has rated Canada number one in the world for women's equality.

Baroness Crawley, Chair of the Women's National Commission in Britain, participated in this session. She said:

Canada has led the way so often by being brave in leading the way for gender equality.

In the United Kingdom, the last Labour government brought an influx of women into the House of Commons but they are still less than 20 per cent. However, in the new Scottish Parliament, there are 48 women MSPs out of 139 members. Forty per cent of law students in England now are women, but the upper levels of the legal profession and the judiciary are solidly male and they have an enormous impact on U.K. life.

The Equal Opportunities Commission is 25 years old in Great Britain. It is an independent statutory body with 15 commissioners and centres in London and Manchester. They have the power to hold formal investigations but have not done so for years. Women's pay has stuck at about 80 per cent of men's for the past 12 years. This has led to the launching of a new equal pay campaign in Britain.

The keynote speaker Dr. Sylvia Bashevkin, Professor of Political Science at the University of Toronto, was introduced by Mary Clancy, our Canadian Consul General in Boston, who pointed out that Canada was the first country in the world to declare rape a war crime and to allow domestic violence as a grounds for claiming refugee status. Dr. Barshevkin's subject was "The Challenge of Personhood: Women's Citizenship in Contemporary Perspective." She claimed that many regressive changes since the Person's Case have profoundly influenced the position and rights of less-advantaged women. The present "third-wave" leaders of the U.S., Canada and Great Britain have not yet moved to repair this damage. Many of the interventions and much of the discussion afterwards centred on the Canadian Charter of Rights and Freedoms and how much the British women wished they also had one.

Susan Tanner, Senior Advisor on Gender Equality, also known as SAGE, at the Canadian Department of Justice, pointed out that the Canadian Charter is based on the collective rights of groups, not of individuals, and that fact alone has changed Canadian law and jurisprudence vastly. However, she admits there is still a very male environment and culture, even within the Department of Justice and certainly within the Canadian Department of Finance.

In contrast, Lucy Makinson, a Policy Advisor in Her Majesty's Treasury, claimed that great strides have recently been made to address women's concerns within that department. However, the Treasury still has not "mainstreamed" women's issues, not when 45 per cent of British working women still work part time and women's wages are 80 per cent of men's wages for work of equal value.

In the following debate, British Columbia's Rosemary Brown, now President of Match International Centre, mentioned that the Charter is a two-edged sword and there have been cases where men have used it, with their greater resources and contacts, to disadvantage women.

The Friday morning session began with a panel on "Breaking the Media Mould: Promoting Women's Successes and Issues" with Mary-Ann Stephenson, Director of the Fawcett Society, in the chair. She made the point that there indeed may be women political commentators now on British TV but the political editors are still solidly male.

Trina McQueen, the Executive Vice-President of CTV, said that "the media just does not get it." She cited some recent Canadian stories. First, Canada's new Governor General, Adrienne Clarkson, came under instant attack in the media about her supposed shortcomings as a mother — mainly by women columnists. Second, the Supreme Court ruled that natives were able to fish for food at any time. When the CBC used the gender-sensitive language "fishers," there were screams of outrage from a group of women fishermen. When the Supreme Court decided that the federal government does indeed owe their female employees back-pay for "work of equal value", the *National Post* claims the Supreme Court is in the hands of radical feminists.

Yvonne Roberts, a freelance journalist, quipped:

The British media is a power complex — men have the power, women the complex!

Women who achieve success and then quit to raise their children or to pursue a different career are usually attacked as not being able to “hack it.” The situation in Britain for both women’s coverage in the media and their participation in it seems to be dreadful.

During the session on “Women and the Law: Promoting Women’s Rights Through the Courts,” Carissima Mathen, the Director of Litigation for LEAF, talked about “Raising our Voices,” about the Canadian experiment with equality rights which has lasted for 20 years now under the Charter. She made the point that since judges are not elected in our British system of law, “Judges have the freedom to be politically unpopular,” and to make politically unpopular but legally correct judgments.

Anuja Dhir, a London barrister, talked of some of the most troubling recent cases in Britain. First, marital rape was legal in Britain for 400 years following an infamous 1678 verdict. In 1991, the verdict of a Court of Appeal overturned the fact that a husband had pled guilty in the lower court to marital rape. The wife then appealed to the House of Lords, much as the Famous Five did in our own history. A group of “Law Lords,” all men, heard the appeal and decreed that “the whole proposition of a woman being her husband’s property was no longer applicable and was offensive to women.” In 1991 this happened. She spoke of forced marriages most movingly because this is a common custom within her own South Asian culture. The high court has intervened and labelled such behaviour as kidnapping and criminal behaviour.

The third example that Ms Dhir used was that of battered women who have killed their violent spouses. Even though this syndrome is now recognized as a valid defence here in Canada, in the U.K. the defences of self-defence or provocation still require immediate reaction to be valid. The battered women’s syndrome is not recognized there. She argued strongly that “equality does not mean the same treatment but the same end result.” The end result is the only valid measure of true equality.

In the next segment, the first speaker was the Right Honourable Baroness Jay of Paddington, Lord Privy Seal, Leader of the House of Lords and Minister for Women. She listed legislation that the Blair government has introduced recently including, just this month, a child tax credit to benefit women. A national minimum wage has been introduced. Can you imagine? For the first time ever in Britain, they now have a minimum wage, and 1.3 million women got a pay hike because of it.

The Honourable Hedy Fry, our Secretary of State for the Status of Women, spoke next and did Canada proud. She reiterated Canadian statistics and how they have improved so greatly over

recent years. She spoke eloquently of our own Employment Equity Act and of “gender-based analysis,” which is now required by Canadian law. She pointed out that the whole idea of “one size fits all gender-equal policy has been debunked.” We now measure equality by the end result here in Canada and not by a strictly equal process.

The conference was not only very informative and educational; it was a public relations coup for Canada. We got more column inches in the British press in just one article than we have received in total for over a year. It was written by Yvonne Roberts and it was called “Northern rights.” She did a follow-up piece the week after the conference and, in equal column inches, she wrote “Under a blaze of Northern rights” which again praised the Canadian record. It was a most remarkable conference and I am so glad that I went.

The Hon. the Speaker: If no other honourable senator wishes to speak, this inquiry shall be deemed to be debated.

[Translation]

• (1650)

FEDERALISM AND GLOBALIZATION

INQUIRY

Hon. Gérald-A. Beaudoin rose pursuant to notice of Tuesday, November 2, 1999;

That he will call the attention of the Senate to the major principles of modern federalism, in light of the discussions that took place during the Forum of Federations.

He said: Honourable senators, I had the privilege in October of participating in the Forum of Federations held at Mont-Tremblant and bringing together over 550 representatives and experts.

[English]

More than 20 federal states or quasi-federal states had delegated representatives. They included South Africa, Argentina, Germany, Australia, Austria, Belgium, Brazil, Canada, Scotland, Spain, the United States, India, Italy, Malaysia, Mexico, Nigeria, Pakistan, Russia, St. Kitts and Nevis, Sri Lanka and Switzerland, *inter alia*.

[Translation]

This conference covered four major themes: federalism, citizenship and social diversity; economic and social federalism; intergovernmental relations in federations; and social policy and federalism.

[English]

More than 30 panels were established and dealt with a great number of subjects, including division of powers, globalization, intergovernmental relations, citizenship, et cetera. Jurists, political scientists, economists, parliamentarians, federal ministers, such as Minister Stéphane Dion, and provincial ministers, such as Minister Joseph Facal, senators, former prime ministers and heads of state have been very active in the plenary sittings and in the workshops.

[Translation]

President Clinton, Prime Minister Chrétien, and Mexico's President Zedillo spoke. Premier Bouchard gave an address.

The two co-chairs, Bob Rae and Henning Voshareau, did a remarkable job and chaired more than one plenary, including one entitled *New Directions in Federalism*.

The Forum of Federations will be an ongoing event. The next meeting is scheduled to take place in Switzerland two years hence. This forum cost the Canadian government \$10,500,000.

In my view, there was a need for the forum. I had the good fortune to chair a roundtable on globalization and federal systems, and it is on this topic that I wish to speak briefly today.

Canada is one of the oldest federations in the modern era, preceded by the United States, in 1789, and Switzerland, in 1848. Our Constitution has evolved considerably. History teaches us that we go through alternate phases of centralization and decentralization. Right now, we are in a phase of decentralization. Few countries have spent as much time and energy as we have on the advent of balanced federalism. There is a growing interest, worldwide, in federalism. As Professor Ronald Watts, an influential participant in the Forum of Federations, said:

Twenty-five years ago there was only one journal and two centres for research on federalism in the world. There are now several journals, and the International Association of Centres for Federal Studies (IACFS) meeting annually now, encompasses 23 centres and institutes in 15 countries on five continents.

It is good to examine certain features of our Constitution and to ask ourselves questions about the possible consequences of globalization.

With respect to treaties, Canada has adopted a dualist system. In many countries, the signing of a treaty changes the law of the land. In Canada, enabling legislation is also required to implement a treaty that has been signed. The courts have established that treaties must be signed by the federal authority. When it comes to implementation of a treaty, the division of legislative power between the federal and provincial governments must be observed. This was the decision arrived at

in 1937 and it has not been varied since. As I see it, this division of power is a good reflection of Canada's needs, particularly as we have two systems of private law: the civil law of Quebec and the common law of the other provinces.

In Canada, it is the federal authority that can legislate extraterritorially, deliver passports and manage foreign policy.

Within the Francophonie, two Canadian provinces have the status of "participating government" at international meetings, namely Quebec and New Brunswick. These provinces have the right to speak, but they do not vote separately. They are part of the Canadian delegation.

Quebec and New Brunswick also have the status of participating government within the Agency for Cultural and Technical Cooperation.

The federal government has agreed, in some cases, to allow provincial ministers to be part of Canadian delegations abroad and sometimes to act as chair or vice-chair at certain functions.

On November 17, 1965, Canada and France signed a cultural agreement which allowed the provinces to directly conclude cultural agreements with France.

Under this framework agreement, a province can directly sign agreements with France. If such agreements exceed the scope of the framework agreement, they must be ratified by the federal government to be valid. A significant number of agreements between France and Quebec have been signed under this framework.

Administrative arrangements add greater flexibility to our federation. These arrangements do not amend the Constitution, but facilitate its implementation. Such arrangements are necessary in a modern federation.

An administrative agreement was signed in December 1975 by the federal government and the provinces regarding human rights. It defines the mechanisms for cooperation and joint action by the two levels of governments in the enforcement, in Canada, of human rights policies.

As for the Francophonie, summits were held in Quebec City, in 1988, and in Moncton, in 1999. These events provide greater visibility to the provinces.

In the context of globalization, modern federalism is rapidly moving to the forefront. For example, the North American Free Trade Agreement accelerated globalization on the American continent. Trade and commerce are almost no longer restricted by borders. This is also true in other parts of the world, for example in Europe.

Certain features of a confederation, and even of a federation, albeit more rarely, are found in some major economic associations.

• (1700)

The impact of globalization can be felt on the commercial, cultural and political levels. Similarly, states are increasingly seeing their sovereignty eroded by larger entities such as NAFTA and the European Union.

A federal state can facilitate its components' participation in the globalization process while insuring a coherent foreign policy. A case in point in Canada is the Francophonie summits. There could be others.

As professor Richard Simeon said at the Forum of Federations in Mont-Tremblant:

No matter the point of view, it is clear that with globalization, federalism does not stop at the border: global forces have a powerful impact on relationships at the national level, and the federal nature of a nation is inevitably reflected on the international scene.

[English]

In conclusion, I shall quote some extracts from the paper of Professor Earl H. Fry, at the Forum of Federations at Mont-Tremblant in October 1999.

Without any doubt, more intergovernmental consultations and collaboration will be needed if federal systems are to take advantage of the many opportunities and to minimize the negative effects of globalization.

As we enter the new century, the odds are very high that the trend toward globalization will intensify and that the interconnectedness of local, national and international economics will solidify.

This Canadian model is perhaps a good starting point for federations to commence the process of developing or refining the intergovernmental institutions and procedures needed to cope effectively with globalization in the 21st century.

[Translation]

The Hon. the Acting Speaker: If no other senator wishes to speak, this will end debate on this inquiry.

PRESENT STATE AND FUTURE OF ABORIGINAL PEOPLES

INQUIRY—DEBATE ADJOURNED

Hon. Aurélien Gill rose pursuant to notice of Thursday, November 4, 1999:

That he will call the attention of the Senate to the situation of Aboriginal Peoples, to enable us to take stock and consider appropriate measures for the future.

He said: Honourable senators, I do not have to tell you how proud and overwhelmed I am to find myself in such a great institution, the Canadian Senate. Nor will it surprise you if I also share my enthusiasm and my faith. For a year now, I have been observing, listening and learning. The time has now come for me to speak up.

My identity and my life bear witness to my principles and my convictions. I am the son of an Abenaki father and a French-Canadian mother. I was born and raised among the Montagnais of Mashteuiatsh in the Lac-Saint-Jean region of the province of Quebec.

Looking back, I can see what a struggle it has been during my lifetime to merely gain recognition of who and what I am. I was part of that struggle, that battle, that awakening, and along this long path my principles have often been put to the test.

I consider it my duty to make use of my position in the Senate to express my beliefs and the reasons I have lived my life the way I have. Words carry messages, and the message must be delivered and repeated, with increasing wisdom and gravity. Often words are all we have left.

Honourable senators will see that I take my role seriously and will continue to do so for as long as I have the opportunity to speak out in public. The Senate is precisely the right place to record these grave words we all bear within ourselves, words that concern us all and concern the entire nation. The Prime Minister of Canada, Jean Chrétien, demonstrated his open-mindedness by appointing me to the Senate.

The First Nations issue is one of great significance for Canada. Its future depends on it. All too often we view it as an annoyance, a reminder of those little recurring nightmares we try so hard to forget. The heart of the matter is rarely addressed, however.

It is timely to speak of the new millennium opening before us. The 20th century has not been a good one for the Aboriginal peoples of this country. The 19th century was a catastrophic one, filled with misery. So our first nations have been the whipping boys of history for 200 years now.

We have been stripped of our identities. Our lands have been despoiled. Treaties have not been respected, we have been put under guardianship. We have been left forgotten in a parallel universe of dependency, paternalism, subject to perverse legislation, held prisoner on Indian reserves, subjected to all of the pressures to assimilate. Can we hope the next century will be the century of reparation, of redress, of rebirth?

As I have long been in the front lines of these struggles, my opinion must have some weight. As a former chief of the Montagnais and Atikamek nations, as the former chief of my community of Mashteuiatsh at Pointe-Bleue, I am one of those who claim that we are out of time. There is urgency. I insist: We have all run out of time. If no basic change is soon forthcoming in our political landscape, I think things will go sour.

For the time being, we live from crisis to crisis in the hope that each will deflate. For the past 20 years, it has been so: Kanesatake, Ipperwash, Gustafsen Lake and Burnt Church. It is fortunate that none really went off the rails. Each of them could have plunged us into dramas far more unfortunate than what we have faced so far. I cannot remain silent on subjects of such importance, because in this case, silence makes things worse.

We have of course made progress in the past 40 years. We have even reached I point we would never have imagined when I was a young man.

No one now disputes the fact that we are the first inhabitants of this country. We have lived on this land, now called Canada, for millennia. Our seniority is recognized, as is our right to exist. The Canadian Constitution bears witness to our rights. However, while our rights are affirmed in the nation's founding document, the content of these rights remains a mystery to many.

In the not so distant past, our ancestors welcomed the newcomers and helped them.

• (1710)

The first part of the history of our relations is one of partnership. It was only later that the mood of the guest changed. Since 1800, we have been subjected to the demands of our partner-turned-master and we have been declared foreigners in our own land.

Yes, history must be rewritten. A history that is less insulting to us, the First Nations, must be written. We played a major role in this history, but this role was also denied us, as was our attachment to our lands, and our contributions to survival, life and philosophy.

We must share this history. We must all share it together, leaving no one out. It is urgent that we teach it, pass it on, in short, learn to tell it.

Let it be known that the concept of two founding nations has done the First Nations much harm. When it comes to constructing its national image, Canada suffers from a fundamental flaw. How can anything at all be based on such an oversight, such a misunderstanding?

We have been here from time immemorial. We were useful in wars, in trade, in the establishment of wealth, in alliances, in friendships, in the building of this country.

We, the Montagnais Innu, the Cree, the Wendat, the Ojibway-Anishinabe, the Blackfoot-Siksik, the Assiniboine, the

Liliolet, the Tsequeitoin, the Haida and the Gitchwin, have been here from time immemorial.

We are forced to conclude that, despite all the efforts, despite the passage of time, the great majority of Canadians are ignorant of what matters most with respect to First Nations.

The last royal commission on this subject, the Erasmus-Dussault commission, once again pointed out dramatically that Canadians' ignorance has political consequences.

I would say that it has an impact on political will because, as we all know, ignorance leads to prejudice and prejudice exacerbates situations. It is downright scandalous to hear and re-hear the jarring background buzz of these prejudices that ends up weakening our political convictions: Indians do not pay taxes; they are exempt from paying taxes; they are given houses and money; they are supported by taxpayers; they are always claiming their rights; they are complainers; they are lazy; they make up right and treaties; they terrorize governments, which cave in to their demands. This is what we hear.

The existence and persistence of such views in the year 2000 is a sign of painful failure for all Canadians. The First Nations had absolutely nothing to do with the drafting, the enactment and the enforcement of the Indian Act. But who, in Canada, even knows that act, who knows its nature, who can assess its tragic scope, its historic impact?

The status of Canadian Indian is one of second-class citizenship. The act applies the concept of guardianship. This long guardianship has made children of us and history shows that we have lost everything, including our dignity. Even though the Indian Act was revised and amended, its general spirit still remains. Over a period of 125 years, it has created a horrible situation, a parallel world, the complex world of Indian reserves, dependency on the bureaucracy and the closed universe of Indian Affairs.

Canadians in general, and particularly well-educated ones, are unaware of the existence of the treaties. Much less do they know that the Canadian state and the other governments did not abide by one single treaty.

Whether people claim there were misunderstandings, whether they make all sorts of excuses, it does not change the outcome. We were duped on every facet of our identity, on every one of our most fundamental rights. But this remains a well-kept secret. One only has to read and to hear our most distinguished analysts and experts to realize, day after day, how much damage ignorance can create. Canadians have a better grasp of what is going on in East Timor than of the deteriorating situation in our country.

Canada has not always listened to the voice of its conscience regarding its treatment of First Nations. Without doing so, our country cannot see what it has done, which means nothing will change.

A serious injustice was done to those who have been called all sorts of names, including Savages, then Indians, then Amerindians, then Aborigines, and Heaven only knows what else. That injustice still persists in a Canadian society that claims not to tolerate such action. Nothing is possible without first attending to this deep wound, without ensuring that justice is done.

As I have said, over my lifetime some progress has been made. Unfortunately, recognition of our rights seems to play against us. What those rights are still seems to be a mystery. Many balk at their recognition. As a people, we are perceived as a threat. Our future has become a legal issue. We find ourselves caught between the narrow, if not abstract, corridor of the law and the hard, if not tortuous, reality of the prejudices of the real world. That has always been the history of the First Nations, promises from one side and refusals from the other.

The day will come when we must move beyond this. The First Nations aspire to self-sufficiency, to responsibility, to dignity. To attain that, we must break free of the vicious circle of guardianship and the hell of dependency. Indian Affairs costs Canadian taxpayers dearly, with negative results.

It is necessary and urgent to restore to the First Nations a place in the Canadian landscape, a political, economic and geographical place. We defend our rights, we defend our identity, we are fighting for our rights within the Canadian nation.

I am both a senator and an Aboriginal person. I do not want to feel ashamed of my country. I have worked life long for the restoration of our rights, for we have the right to be Dene, Inuit, Sarcee or Métis, and to be proud of it. There is a huge amount of catching up to do, but it must be done.

In the coming years my intention here in the Senate is to continue to make my humble contribution to the value of words and of wisdom. My bet is on wisdom. I will therefore call upon all of the advice I can get in preparing my communications, for it is vital for the message to get through.

• (1720)

We must all work for open-mindedness. In my future interventions, I intend to come back before you with more information. I intend to participate fully in the deliberations of the Standing Committee on Aboriginal Peoples. I am determined, from my position in the Senate and with the means at my disposal, to do everything to fuel the debate in a positive sense.

We must raise the level of this debate, and the most pressing action involves informing the Canadian public of the real issues. We must together fight the devastating effects of misinformation, quick analysis and empty accusations. If we cannot have this debate in the Senate, who will?

Despite all the ambient ignorance that generates so many mistruths, despite the lack of information on which many judge the situation, the situation of the Aboriginal peoples remains desperate.

Try telling the Algonquin in Abitibi, the Ojibway of Western Ontario, the Cree of Western James Bay and the Tutchones of the Yukon that everything is fine in this brave new world. Go and see the Indian reserves in the year 2000, and you will see there is no cause for cynicism or sarcasm. This is no play on words, these are not pictures of the mind. Like poverty, the issue of the First Nations is what I would call a national emergency.

There are too many images of warriors, of favouritism, of crises and confrontation in the minds of Canadians. There is not enough knowledge of the realities of our dying languages, our dying people, the despair of our youth, of the marginality, of substance abuse and of the devoted efforts by the anonymous thousands, native and non-native alike, working day in and day out in real life situations to avoid the worst.

We must have our responsibilities back. A structure must be invented nationally that does not yet exist. We must go beyond the affirmations of rights and we must act. Natives must take hold of their present, of their future. Already the challenge is colossal, is it not right to give us the chance to meet it?

In conclusion, honourable senators, it goes much further than that. If Canada does not find a way of resolving this situation, it will resolve nothing as a nation. Our collective identity is at stake, and this is a matter that should concern all Canadians. We are talking about making amends for a very serious historic injustice, but we are also talking about the collective right to a healthy existence as distinctive identities within a modern nation. Urgent corrective action is required, of course, but we must also develop, grow and contribute to the economic and cultural wealth of this country.

"Indianness" is not limited to moccasins, dancing and traditions. The Canada of tomorrow will also belong to the First Nations. For we have survived a very sad history. We are taking our place, we are taking back our place, and we must succeed in restoring the old partnerships. There is no need to reinvent the wheel. How many great minds, commissions, consultations, special committees, and research will it take? I think that, during the past 50 years, everything has been said. It remains to truly launch the historic process that will enable us to achieve a collective and dignified existence.

As a senator, I intend to steadfastly stay the course. The moment of truth has arrived. First Nations must govern themselves. There is no turning back. To become self-sufficient, we need a territory and resources, we need a place of our own in this country. We must inform, open minds, help put in place what does not exist yet, promote creativity, political innovation, a return to accountability, self-sufficiency and dignity.

I want Canada to be a shining light, I do not want it to be disgraced. First Nations must take care of themselves with a treasure that was not stolen, with definite rights, resources and a voice in national affairs. This is an uphill battle. We cannot be denied the right to do ourselves what nobody else can do for us.

On motion of Senator Watt, debate adjourned.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, prompted by the fact that we are sitting a bit longer than we normally do on a Wednesday, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Lise Bacon: Honourable senators, with leave of the Senate and notwithstanding rule 95(4), I move:

That the Standing Senate Committee on Transport and Communications have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

OFFICE OF CHILDREN'S ENVIRONMENTAL HEALTH

MOTION TO ESTABLISH ADOPTED

Hon. Mira Spivak, pursuant to notice of November 2, 1999, moved:

That the Senate urge the Government to establish an Office of Children's Environmental Health, an arm's-length agency to promote the protection of children from environmental hazards.

She said: Honourable senators, there are many good reasons to support this motion. Senators who sat in the committee on Bill C-32 and heard representatives from the Canadian Institute of Child Health ask for this office will be familiar with much of the reasoning. The first and certainly sufficient reason is because an office of children's environmental health is badly needed.

Children are particularly vulnerable to environmental pollutants. In committee we heard why in scientific terms, and it is worth repeating because it is the key to everything else. During the first six months of life, for example, a child drinks seven times more water per kilogram of body weight than an adult. Between the ages of one and five, a child eats three to four times more food per kilogram of body weight. The volume of air that a sleeping infant breathes is twice that of an adult at rest. All of this means that polluted water, food or air have a far greater impact on a child than they have on you or I.

• (1730)

Sometimes that impact is lifelong; sometimes it is irreversible. When the environment is the womb or when babies are breast fed by mothers whose bodies warehouse pollution, a small amount of toxin at the wrong point in time can cause everything from blindness, deafness and seizures to lower intelligence. In the past few decades, scientists have learned this much from their studies of children who were exposed to lead, or whose mothers ate PCB tainted fish from the Great Lakes, or who were born into communities that suffered methyl mercury poisoning.

This month, a substantial body of new information was released by the U.S. Centre for Health and Environment and Justice on the effects of a very toxic pollutant — dioxin. The report's most striking finding is that the dioxin commonly found in food is enough to harm children's growth and development. Ground beef typically has 1.5 parts per trillion dioxin, blue cheese has 0.7, and a chicken drumstick or haddock 0.03. According to the report, the average adult daily diet contains 2.2 parts per trillion dioxin; however, because it is stored in our bodies, our average concentration in fat tissue is 10 times greater.

Nursing infants get considerably more dioxin each day than adults. That is because dioxin accumulates in breast milk. Studies suggest, surprisingly, that breast-fed babies in Canada are getting 26 parts per trillion dioxin, which is about 30 per cent more than babies in the United States, more than twice as much as babies in Russia, and more than eight times as much as babies in Thailand. I do not know why.

What precisely does dioxin do to children? Prenatal exposure has been linked to lower intelligence, withdrawn or depressed behaviour, hyperactivity and weaker immune systems. There is also evidence that dioxin can affect the development of permanent teeth, alter thyroid hormones and increase respiratory diseases in children. Dioxin is so potent that it has also been seen to alter the sex ratio of infants. More girls are born than boys in regions where exposure is high. The same trend has been noted in Canada in the past few decades, although no one has linked it directly to dioxin.

The dioxin report has scores of recommendations to prevent future harm. It suggests, for example, that we replace the burning of municipal garbage, the number one source of dioxin, with more intensive recycling, waste reduction and better packages. Another suggestion is sunsetting the burning of medical and hazardous waste, phasing out plastics, which are another major source of dioxin, or banning dioxin-contaminated pesticides. We do have a choice.

Some children have paid a high price to give us knowledge that can lead to prevention, but no one is steering the government to apply it. That is one thing an office of children's environmental health would do. It would determine the existing body of knowledge and work with other government departments and agencies to see that science about children informs regulation. Without it, standards for tolerable levels of pollution in all likelihood will continue to be set to protect adult males, not women and children.

However, that is only part of why we need this office. We also need such an office to direct research on troubling questions for which we do not yet have good answers. Why has asthma in children quadrupled in the last few decades? Why has childhood cancer increased 50 per cent? What are the critical developmental points at which hormone-mimicking chemicals must be avoided? An office of children's environmental health could promote that research, as could the centres of excellence for children's wellbeing. More than two and one-half years ago, the government promised to dedicate \$20 million over five years to children's health research through new centres of excellence. Some 30 months later, none has been created. I hope these centres will be something the government will consider, along with the other recommendations in the Speech from the Throne.

Children's health is barely a factor in much of our spending, regulation or policy. We do not even know what pollutants are commonly found in play areas, day care centres and schools. We have no guidelines to help reduce children's exposure to pollutants in areas they commonly use. There are other things an office of children's environmental health could do.

The second reason to support this motion is to ensure our country lives up to its promises under the 1998 declaration of the environmental leaders of the G8 on children's environmental health and the 1991 Convention on the Rights of the Child. Fulfilling these sorts of pledges takes political leadership,

something we have certainly seen in the U.S. About the same time that our leaders were promising voters all sorts of things for children, President Clinton ordered every federal agency to make it a high priority to identify environmental health and safety risks that may disproportionately affect children and to change policies, programs, activities and standards to correct the imbalance. Soon after, the U.S. Environmental Protection Agency created its office of children's health protection to implement the president's executive order and an EPA program was announced in 1995 — the national agenda to protect children's health from environmental threats. It is not clear how much the agency's office and programs can be credited with bringing about change. However, we do know, for example, that the U.S. Food Quality Protection Act now requires the re-evaluation of tolerance levels of nearly 10,000 pesticides, a new air standard for ozone is expected to mean 1 million fewer cases a year of decreased lung function in children, and the EPA is directing staff to consider infants, children, and pregnant women when setting standards for drinking water.

The agency is also funding new research into children's exposure to pesticides, how smog impairs their breathing, and their vulnerability to a chemical used in dry cleaning, all of which bring me to the final reason to support this motion to create an office of children's environmental health. It is, in the long run, in the self-interest of every Canadian. If our laws and our policies are only concerned with protecting the healthy, adult male in the prime of his life, then we will be increasing the burden on everyone else, but particularly the young and the elderly. If, however, we focus attention on the most vulnerable among us, the developing child, all of us have a better chance at protection.

I know the proposed office elicited quite a response from senators opposite when it was discussed in committee. I sincerely hope that some of them have continued their interest, will engage in this debate, and will persuade their colleagues to support this motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, November 18, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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THE SENATE

Thursday, November 18, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before I call for tributes to the Honourable Senator John Stewart, I inform the Senate that, to my regret, I must leave the Chair at 2:30. I must make it clear that my departure is not in disrespect to my colleague and friend Honourable Senator Stewart nor, obviously, to whatever is being said by any senator at that particular time.

I will be replaced in the Chair by the new Speaker *pro tempore*, Senator Losier-Cool, whom I congratulate on her appointment to the post.

THE HONOURABLE JOHN B. STEWART

TRIBUTES ON RETIREMENT

Hon. B. Alasdair Graham: Honourable senators, when I first met Senator John B. Stewart many years ago, he was already widely respected in the academic community for work that included undergraduate studies at Acadia University and graduate studies at New York's Columbia University, as well as being variously professor and chairman of political science at Barnard College in New York. John was associated with the Rockefeller Foundation until his return in 1959 to Nova Scotia, at which time he joined the Department of Political Science at St. Francis Xavier University.

Approximately three years later, Professor Stewart was elected as the Liberal Member of Parliament for his home constituency of Antigonish—Guysborough. He was re-elected in 1963 and 1965. This was a series of events about which I have some of my fondest political memories.

After the Diefenbaker sweep of 1958, the Liberal Riding Association of Antigonish—Guysborough determined that we should conduct an exhaustive search for the most credible candidate possible. Every time there was a discussion, someone would ask, what about that new professor, John Stewart at — as they say sometimes — St. FX? Who would have enough influence and credibility — indeed, the courage — to make the call?

Now John was not a big sports fan, so Joe DiMaggio and Frank Mahovlich were ruled out, but some genius came up with a brilliant idea. It was arranged that Professor Stewart would be

in his office in the old wing on the campus on a stormy Saturday night. The phone rang:

Hello? Dr. Stewart? This is Lester Pearson.

And the rest, as they say, is history.

As a footnote to that story, honourable senators will recall that Mr. Pearson was a great sports fan and a regular viewer of *Hockey Night in Canada* on Saturday night. The call to Dr. Stewart was made from Stornoway between the first and second periods of a game between the Montreal Canadiens and the Toronto Maple Leafs.

• (1410)

Senator Mahovlich: Who was winning?

Senator Graham: As I recall, Frank was the third star that night. The first star went to Mr. Pearson, and the second to John Stewart.

In his six years in the House of Commons, John proved to be one of the most assiduous students of the parliamentary system I have ever known, distinguishing himself, as he has all his life, by serious hard work and achievement, always with the greater good of his province and country as his overwhelming objective.

When his riding disappeared through redistribution in 1968, he returned to St. FX. He continued, as a teacher, to have such a deep impact on his students that his courses were widely sought after, with waiting lists of applicants in every term. Every class was a sellout.

It was once said that a teacher affects eternity. He or she can never tell where that influence stops. In the case of Professor Stewart, with a legendary reputation for producing Rhodes Scholars in his classes, that influence has been most formidable indeed.

I have often wondered how the course of Canadian history might have been changed had Professor John Stewart gone to St. FX a year or two earlier and been able to use his extraordinary influence and persuasive talents on students like former prime minister Brian Mulroney and the former leader of the government in the Senate, the Honourable Lowell Murray.

Senator Lynch-Staunton: They might have turned out!

Senator Graham: Fortunately, Professor Stewart got there in time to catch, to tutor and to guide former New Brunswick premier Frank McKenna.

Dr. Stewart also turned his attentions to reflections upon his parliamentary experience, producing two authoritative and widely read titles on the parliamentary process. In one of his earlier works, the *Political and Moral Thought of David Hume*, Dr. Stewart showed his abiding concern for the moral basis of democratic politics. John quoted from the brilliant work of the Scottish philosopher, who is considered to be one of the earliest pioneers of political science, as follows:

Of all men that distinguish themselves by memorable achievements, the first place of honour seems due to legislators who transmit a system of laws and institutions to secure the peace, happiness and liberty of future generations.

Hume counselled generations of parliamentarians yet to come — all of those wise and fair-minded representatives of the people who understood that the *raison d'être* of good government was the crafting of laws and institutions based on justice.

Indeed, Senator John Stewart would become, over his lengthy parliamentary career, the epitome of the wise and conscientious legislator imagined by David Hume centuries before — a legislator indefatigable in the pursuit of the right; a legislator who understood the importance of vigilance in securing and protecting our free society; a legislator committed to the public good; a legislator who left nothing to chance; a man who brought a razor-sharp mind and tremendous, tireless energy to the service of his community, to his students, to his province and to his country; a thoughtful patriot who always understood, as the old saying goes, that those who expect to reap the blessings of freedom must undergo the fatigue of supporting it.

John Stewart's profound sense of service led him to put incredible amounts of energy into committees, whether Fisheries or Banking, or whether it was throughout his important and very distinguished tenure as chairman of the Foreign Affairs Committee, in which he skilfully, and with the greatest diligence, shepherded the whole complex series of issues that come from Canada's respected position as a global player on the world stage.

Canada's brilliant Edward Blake spoke simply of the meaning of Parliament in the House of Commons a little over a century ago. He said:

The privileges of Parliament are the privileges of the people. The rights of Parliament are the rights of the people.

These words, honourable senators, have been the hallmark of Senator John Stewart's wonderful life and times. The rights of Parliament and the privileges of Parliament are rooted in the rights of our people — in the privileges, in the wisdom, in the humanity of our people.

As one who has had the great privilege of having had John Stewart as a mentor, of being both a colleague and a close friend for many years, I am proud to say that the first place of honour, very deservedly, belongs to this wise and honest legislator, to this wise and committed servant of the people, to this gifted teacher who has left ever-expanding and indelible

marks on eternity. Yes, the first place of honour belongs to Senator John Stewart, who many of us in the public service of this wonderful country will so deeply miss in the days and the years ahead.

Hon. Lowell Murray: Honourable senators, I have not done a scientific survey of colleagues, but I think it is likely that Senator Graham and I have known Senator Stewart longer than anyone else in this place. At any rate, it is more than 40 years since we first met. I think that gives me some licence to pretend to speak authoritatively on the subject at hand.

In 1959, a few years after my graduation from St. FX University, I was running their alumni office in Antigonish. That fall, Dr. John B. Stewart returned to his native province and his native county from the teaching post that Senator Graham mentioned at Columbia University and a consultancy at the Rockefeller Foundation to take up duties as professor of political science at St. FX.

Every teaching day thereafter, Dr. Stewart and I had lunch together at the same table in the priest's dining room at St. FX. In that *sacrum sanctorum* in those days, John Stewart and I were both outsiders — he a Protestant, I a Progressive Conservative. Happily for John Stewart, those were also the days when the ecumenical movement was getting underway under the leadership of Pope John XXIII. The priests were extending the hand of fellowship, friendship and fraternity to what they called "our separated brethren," of whom John Stewart was one. Unfortunately, it took the reverend fathers a while longer to warm to Progressive Conservatives.

However that may be — and I have alluded to this at times in the Senate over the past few years, sometimes at rather tense moments in our debates — I do not think I can remember any professor at St. FX or anywhere else who enjoyed quite the level of respect and admiration from his students that John Stewart received.

• (1420)

It is true, as Senator Graham said, that I was not Dr. Stewart's student in a formal sense, although I, like many others, have been his student here in this place. On occasion in debate, he has purported to evaluate my performance. I have never received anything better than a gentleman's C in those evaluations.

In any case, I cannot speak from direct experience as to why he enjoyed such considerable esteem from his students. I think we can be sure that he did not court popularity by pandering to adolescent culture as some professors do. I think it is more likely that he gained their respect because he showed them respect for their intelligence and judgment, and because he set high standards — not unattainably high standards, but high standards nevertheless — and got the best out of his students. You will find people many years later — men and women — who will say that the high point of their student days was their exposure to Dr. Stewart. A number of these people, I am told, showed up a couple of weeks ago at St. FX University for a special seminar and tribute to their former professor. I am sure he must have been very touched indeed by their presence and by the testimony of their respect and esteem.

This is a scholar who found his way into politics. Let me say a word about the 1962 election. It was not an easy election for the Diefenbaker government. Antigonish—Guysborough, as some of you know, was a traditional Liberal riding. Nevertheless, it was a considerable victory for Dr. Stewart. He brought the party way back, considering the low state in which it had been left by the previous candidate, Al Graham.

Senator Graham: I avoided that.

Senator Murray: Senator Stewart is a scholar in politics, but he has never been guilty of scholarly detachment from the hurly-burly. For one thing, nothing that happened in or around or to his constituency ever escaped his notice.

A few years after we had been having our daily lunch together in Antigonish, I was up here as ministerial assistant in the Diefenbaker government, and he was the newly minted Member of Parliament for Antigonish—Guysborough. I recall receiving a series of irate telegrams about some small parcel of land that the government had bought, or had failed to buy, in the town of Antigonish for a new federal building there. No grievance was unimportant, especially when the Tories were in power.

He is a procedural and constitutional expert, who has been chairman of our Foreign Affairs Committee, but what I recall from my days on the receiving end of questions here is Senator Stewart's preoccupation with the fishery in Nova Scotia, with federal highways policy as it affects Nova Scotia, with the fixed link to P.E.I. as it affected Nova Scotia, and with the GST as it affected everybody.

Is this scholar a partisan? Let me put it this way. In the unlikely hypothesis that he was ever in any doubt about an issue, he never, ever failed to give the benefit of the doubt to the position of the Liberal Party — but who am I to point a finger? As he has always told us, this is a team sport, and it is certainly one at which he excelled.

Senator Graham has mentioned the two books that Dr. Stewart wrote about the Scottish philosopher David Hume. *The Moral and Political Philosophy of David Hume* was the first, and the second was, *Opinion and Reform in Hume's Political Philosophy*. Honourable senators, I have not read these books. In 1761, the Catholic Church placed all of Hume's work on its index of forbidden books, and I must assume that, by extension, John Stewart's books about him have fallen under the same index. One cannot be too prudent in matters of this kind. I have always found that not reading books about or by David Hume is one of the less onerous disciplines imposed by the Catholic Church.

In any case, I have read his book, *The Canadian House of Commons*, published in 1977. Far from being on anyone's index of forbidden books, it should be required reading for every parliamentarian — especially for parliamentarians in the other place. We all know that our colleagues in the other place are not great readers of books and that they have the attention span of the proverbial hummingbird, but I would recommend to them chapter 1. There they will find as neat a description of the role of the House of Commons — and, indeed, of Parliament, although Dr. Stewart does not deal specifically with the Senate — as they

will ever find anywhere. They need, as I suggested in another context the other day, to be reminded of their prerogatives, and they could do no better in that connection than to read John Stewart.

With Senator Stewart's departure, we are losing our best parliamentarian, and Nova Scotia is losing an extraordinarily attentive and able representative. If the government wants to offer him a sinecure and an office somewhere on the premises, that is all right with me.

Some Hon. Senators: Hear, hear!

Senator Murray: After all, if Senator Grafstein could refer, as he did, to former senator MacEachen as a "national treasure," surely we can agree that Senator Stewart is a significant non-renewable resource.

Therefore, Your Honour, at the appropriate time, I would be prepared to move, seconded by Senator Lynch-Staunton, whose suggestion this is, that the office space formerly occupied by former senator MacEachen be provided in perpetuity to former Senator Stewart.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Do I understand you, Honourable Senator Murray, to be making a motion?

Senator Murray: With leave.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I find myself in a seat here which gives me the privilege of being recognized by you next. That is truly an honour. It is a great pleasure to rise to pay tribute to my colleague the Honourable Senator Stewart.

As I listened carefully to the comments that were made, one of the things running through my mind was that Senator Stewart does have a whimsical and humorous side, which he shared with us at the dinner we held for him when, for example, he spoke of the day he came into this chamber and called Senator Murray a tyrant and His Honour a usurper — in error, as I heard him.

• (1430)

My fondest recollection of Senator Stewart is not from here but, rather, from my only visit to Antigonish, where I attended the MacEachen conference. Senator Stewart was kind enough to explain to me the significance of the university at which he taught, St. Francis Xavier, and what to me was the mystery of all of these people running around with rings with Xs on them, people who were partners in my law firm and who seemed to be everywhere around my community of Calgary. I now know where they came from. I have come to admire their background and the good luck which seems to follow them as former students of St. Francis Xavier. With professors such as Senator Stewart as members of the faculty, they have had a good grounding.

Senator Stewart has played a remarkable role here. I, too, should like to make reference to one of his books. I have not read Hume and, like Senator Murray, do not intend to, but not for the same rigid reason for which Senator Murray is averse to reading Hume. Senator Stewart's book, *The Canadian House of Commons* has a quote, which I am sure Senator Kinsella will appreciate. It states:

The unsung heroes of the House are the party house leaders. Each must have a dual loyalty: to his party and to the House. The root of many of their troubles is that their Colleagues are either insouciant to the House or far too interested in it. At times they ignore the House. At other times it is all-important, so that every facilitating concession to the other side is seen as a disastrous surrender.

Listen well, Senator Boudreau. He continues:

Regardless of the conflict of ambition and opinions, the house leaders must make the system function.

I have become acutely aware of that, in a way that I was not until I arrived here. To his great credit, Senator Stewart, as someone who practised as an academician and politician, has offered us all that lesson. If only we were all prepared to hear him. I hear you now, Senator Stewart.

Senator Stewart, throughout his time here, has been a great leader. In particular, he served on the Foreign Affairs Committee with distinction. I have had a limited experience in that area myself and have some appreciation of the difficulty of that task.

Senator Stewart has a following on Parliament Hill amongst his students, and, I hasten to add, honourable senators, for we are all students of John Stewart. We respect him as a teacher, for many times we have learned from him and followed his guidance in our deliberations.

Senator Stewart, I believe the highest form of tribute this house can offer a senator is its profound respect. We will miss your contribution though you have left us with a great deal and, in particular, some very important principles by which to live. May your retirement be filled with new experiences, wonderful books to read and write, and minds to shape.

Hon. Senators: Hear, hear!

Hon. Roch Bolduc: Honourable senators, I met John Stewart for the first time in the fall of 1988, when I was appointed to the Senate. For five years we sat together on the National Finance Committee and, for the last 11 years, we served together on the Foreign Affairs Committee.

We also have some other things in common: post-graduate studies in the United States, university teaching, a particular taste for political philosophy, and what I would call a certain vocation for the public service — John Stewart as a member of the House of Commons and the Senate and I as a civil servant and a senator.

Other things, however, make us different. He is an anglophone of Scottish descent, Protestant, cold towards the United States but a Harvard Liberal nonetheless, and a distinguished writer. I am a francophone, French Canadian, Catholic, Chicago conservative, a friend of the United States, and an ex-manager.

I must say, however, that we have shared many undertakings over the years; namely, program analysis of governmental expenditures, inquiries of various aspects of Canadian foreign policy and more particularly of the trade policy, because of the heavy emphasis in the last decade on international commerce.

Of course, John was against the Free Trade Agreement, as Senator Murray mentioned. I believe it was because he was on the opposition side of the chamber and that he wished to argue that side of the case, knowing that we would defend the other side and that eventually the people of Canada would decide. It might also be because he thought that the deal was not as good as the Auto Pact, recently sanctioned by the World Trade Organization. At any rate, it was a hot debate here in the Senate, as was the one on the GST, though more civilized than the latter, I should point out.

In the National Finance Committee, we covered a great deal, in particular, the diverse aspects of governmental administrative policy. I still have a vivid memory of our inquiry on the Royal Recommendation. Our learned colleague John Stewart, a specialist of parliamentary procedure, about which he produced a book in 1997, took tremendous pleasure in putting numerous witnesses into a corner with his legal distinctions. These reminded me of the metaphysical disputes of the Jesuits and the Thomists of the 16th century, notably by Suarez among others.

Speaking of philosophy, I should like to point out, honourable senators, that our colleague has a Doctorate of Public Law and Government, and a Master of Political Philosophy degree, and in particular, he is an international authority on David Hume. He has published two books on Hume's writings. I can tell you that after reading Hume's biography, I came to realize that John has many things in common with that great Scottish writer: a friend of books, frugality, the solitary aspects of his personality, his sceptic but healthy mind. Sometimes I think of him as a neo-Scottish Montesquieu. However, his hero was a good friend of Adam Smith, although I believe that John does not think as highly of him as I do.

Let us come back to David Hume. You may know, honourable senators, that there is an international association called the Hume Society, which has published for 25 years now a university journal of high calibre entitled "Hume Studies." The review is a biannual publication, highly rated in philosophical academic circles. In this august international group of university luminaries, I must tell you that our colleague is a high priest. In November 1995 there was a critical analysis of his second book on Hume. John brilliantly defended his thesis that Hume was indeed a precursor of the British Liberal tradition and not of the Conservative one. One of his critics, Douglas Long, has written:

John B. Stewart has shown himself once again to be a serious, penetrating and appreciative Hume scholar.

I bow before such versatility, or "polyvalence", which allows our senator to jump from political theory to political practice. After all, he has been elected three times, therefore, he is not only a good theoretical mind but a competent historian of the last centuries of British political life.

As chairman of our Foreign Affairs Committee, he has shrewdly led our studies of important issues which have produced many pertinent propositions, we believe, for guiding the international course of this country. Our last report on the European Union's impact on Canada, which was a follow-up to the one we produced a few years back, is a valid example of that. The next report, which he directed as chairman, on NATO and Canada, should also make all senators proud of the work of this committee.

During his whole political career, John has fought for the legitimate interests of Maritimers. I hope he will leave for a happy retirement, but I am sure that he has not yet written his last book. I wish him a prosperous life with his royalties, much like his famous British predecessor.

Hon. Marie-P. Poulin: Honourable senators, during the 132 years since Confederation, many distinguished Canadians have inhabited the confines of these chamber walls. Their knowledge, wisdom, perspicacity and lucidity have contributed in no small measure to the affairs of the nation. They brought qualities to this chamber that we can admire and should strive to emulate — role models for ourselves and our times.

We know that we have among us a truly respected Canadian in Senator John B. Stewart, who can legitimately join the pantheon of such senatorial giants as the Honourables Eugene Forsey, Raoul Dandurand, Muriel McQueen Fergusson, Cairine Wilson, Chubby Power, Duff Roblin and Arthur Meighen. They have all contributed in particularly outstanding ways, as any historian or observer of this chamber will testify.

[Translation]

Senator Stewart's contribution to the Senate over the 15 years since his appointment has been his penetrating wit and his broad knowledge, both of which have earned him an enviable reputation among his colleagues.

• (1440)

That reputation has gone beyond the limits of this chamber, to the seats of decision-making in this country, where his views on foreign affairs, banking, commerce and fisheries bear considerable weight.

As anyone who has engaged in a debate with him is well aware, his great eloquence makes him an opponent to be feared. Senator Stewart never leans toward exaggeration or grandiloquence. This is an erudite man, a dignified and refined man, a "mensch", as they say. His views are always balanced, a

character trait greatly appreciated by those expressing opinions to him, something I have often had the privilege of witnessing.

This politician, professor and author has brought honour to this institution. It is a loss for us and for the country that the time has come for him to leave the Senate. We will miss his ideas and his action, as well as his good advice.

I wish our friend nothing but the best in this new stage in his life.

[English]

Hon. Norman K. Atkins: Honourable senators, for many of us in the Senate, this is a time of mixed emotions. Today we are paying tribute, upon his retirement, to Senator John Stewart from Atlantic Canada. Next week, we will be paying tribute to Senator Derek Lewis, also from Atlantic Canada. While this is a time to celebrate their accomplishments, both here and elsewhere, senators are saddened by the fact that both of them will be retiring from the Senate within the next few days. This is truly a loss, both for us who remain, and for the Senate as a parliamentary institution.

Both senators, through their participation in committees and through their contributions to this chamber, have invariably been able to raise the tenor of debate, bringing insight and wisdom from their different backgrounds to the issues before us.

Senator Lewis, a well-respected lawyer from St. John's, Newfoundland, a bencher of the law society and a chair of the Law Foundation of Newfoundland, brought to our work here his wit, his intelligence, and his ability to get to the heart of an issue in a way that I have admired since I came here as a rookie senator in 1986. We wish him well in his retirement.

Senator John Stewart, a former member of the House of Commons from Nova Scotia for Antigonish—Guysborough, is the only person I have ever met from Nova Scotia who knows where Cook's Cove is, which is where my grandfather was born. It is a suburb of Guysborough.

Senator Stewart is an academic, an author, and a student of Parliament. Before coming to this place, I knew Senator Stewart only by reputation through his work in the House of Commons and from those who admired his academic endeavours. However, on my first committee assignment to the Senate Foreign Affairs Committee, I sat in awe of his knowledge and his ability in chairing the committee. At that time, we were dealing with the issue of free trade, which was very high on the agenda of each party. Our meetings became, for me, a graduate seminar on how standing committees are meant to operate, and how major issues can be thoroughly examined and addressed.

As has been mentioned, Senator Stewart is a graduate of Acadia University, as am I. We have forgiven him for leaving us to teach at St. FX, but question his judgment that Antigonish could be more pleasing than the Annapolis Valley.

Those who think less of our government institutions would do well to study Senator Stewart's work both here and in the other place. He has always demonstrated his great regard for the role of Parliament in Canadian society, for its processes, and for the important role reasoned opposition could play, as well as his appreciation of good debate. This was the case no matter who offered the points, as long as they were valid in his eyes. That said, he always remained loyal to caucus discipline, which qualifies him as a good Liberal. As well, he has had an almost perfect attendance record since the time he was appointed. Senator Stewart took his responsibilities very seriously.

I will sincerely miss sitting opposite him and watching his expressions, as points both good and bad made in debate registered on his face.

John, you never failed to give credit to those who raised the level of debate in the Senate, and now it is our turn to give credit to you for all of the positive contributions you have made to Parliament and the study of it throughout your career. We wish you well as you take your leave from this place. As well, we wish you a happy birthday.

Hon. Joyce Fairbairn: Honourable senators, today we say farewell to one of the finest and most dedicated parliamentarians it has been my privilege to know over the last 37 years. As has been agreed today, the Senate will lose a most valued member when Senator John Stewart retires tomorrow. For us on this side of the chamber, he is very close to being irreplaceable.

Senator Stewart has built his life around learning, teaching, and public service in his province of Nova Scotia, and particularly at St. Francis Xavier University in his beautiful hometown of Antigonish. He has been an activist and a conscience of the Liberal Party of Nova Scotia and the Liberal Party of Canada. He turned to the federal political scene in 1962 as the Liberal Member of Parliament for Antigonish—Guysborough, which position he held for three terms. It was during that period of time that I, as a young journalist in the Parliamentary Press Gallery, came to know him.

During that time, John Stewart became grounded not only in the politics of Parliament, but in mastering the intricacies of rules and procedures of both chambers of this national institution. As colleagues on both sides of this house know, this is an intricate area of expertise which few have the skill, the will, or the patience to conquer, but it is absolutely vital to the proper functioning of the Senate and the other place. Senator Stewart provided that expertise with wisdom and judgment. I know that my colleagues on this side of the house will sorely miss his guidance.

This may turn out to be a banner day for Senator Stewart. Senator Murray has offered him an office in perpetuity. However, I would ask him to consider that carefully, because he could probably make a fortune consulting on parliamentary procedure.

Since his appointment to this house by Prime Minister Trudeau almost 16 years ago, Senator Stewart has divided his interests and his abilities between issues affecting his own area, such as those discussed in the Fisheries Committee; tough national concerns that are discussed in the National Finance Committee and the Banking, Trade and Commerce Committee; and, finally, on issues which cross international borders, as the chair of our Foreign Affairs Committee since 1986. That is a long time to be a chairman. The leadership he has shown in the Foreign Affairs Committee has been, as the younger generation would say, "cool" and truly "awesome".

Senator Stewart has had a tremendous effect on many of us in this chamber. One magic moment for me was following the election of 1988 when Senator Stewart asked me if I would like to join the Foreign Affairs Committee. I thought I had truly made it. It then became clear that I was to serve only during the Christmas break to help fulfill our commitment that, if an election were called by our friends opposite, we would pass the Free Trade Agreement by January 1 of 1989.

● (1450)

Nonetheless, it was great fun during that period of time. I enjoyed it immensely. When it was over, I went back to my usual work in the Senate. I have yet to enter again those hallowed halls of the Foreign Affairs Committee as a member. However, there is still hope.

I wish to reflect for a moment on what Senator Stewart has accomplished in that committee. In this turbulent decade of shifting international trade groupings, of financial and commodity disruptions in areas of the world that have a profound effect on Canadian opportunities, and an all-too-steady progression of vicious military conflicts, Senator Stewart has led our committee through thoughtful and in-depth studies of significance to policy-makers and political leaders in Canada and well beyond, if they have the common sense and the industry to read those reports. There is no question that John Stewart has brought a powerful personal commitment to defining a realistic approach to our unending preoccupation with war and peace in the modern context, which, as he said in one of his early speeches in this house, sometimes tends to tire us out and foster a lack of will to persist in advancing that cause.

As he spoke in support of the establishment of the Canadian Institute for International Peace and Security back in June of 1984, he urged us to "fight back against the fog of weariness, the fog of cynicism." He decried all of those who talk only about the "problems of peace." In saying farewell to him today, I should like to read a short passage from that speech, which gives Canadian citizens a ringing encouragement to press on, each in their own way, to keep the optimism for world peace continuously alive.

I quote from John Stewart's speech of June 28, 1984, in this house, wherein he said:

The old adage says that liberty is maintained by eternal vigilance. Well, peace is maintained by eternal striving. We make peace and remake it, day after day, year after year. We must go back and track over the same ground, do many of the same things again, to educate ourselves and to educate the new generations as they come along. The mere fact that there is need for so much repetition should not cause us to think that nothing is being accomplished. Every day that peace is maintained, an accomplishment has been made; and, as circumstances change, new approaches must be adopted.

Honourable senators, those kind of words are the legacy of John Stewart and his work in this house, his work in Parliament, his work for Canada and, indeed, his work for the world. Personally, I am enormously sad to see him leave. He has been a good friend for a long time. His quiet and steady support for me when I served as leader of the government in the Senate was generous and wise. I could not have done the job without it. I wish him vigorous good health and happiness as he goes back to his beloved province and Antigonish.

John, keep on speaking and keep on writing. We need to hear your voice. I shall miss you. My husband, Mike, shall miss you, and so shall Bessie.

Hon. A. Raynell Andreychuk: Honourable senators, it is a privilege, indeed, to add a few words on the retirement of Senator Stewart.

Many things have been said about Senator Stewart from those who have known him for much longer than I have known him. However, there are a few thoughts that I should like to put on the record. The first is that Senator Stewart has taught us the art of parliamentary debate. When I came to this chamber six years ago, I heard some of the best and eloquent speeches ever given anywhere. However, it was Senator Stewart who taught us that Parliament is more than eloquence and speeches; that it is the ability to speak one to the other, to question one another, to come to consensus and to find common ground. I thank him for teaching me that it is more than just my ability to speak; it is the ability to listen to others that is most important. We must try to find some common ground on behalf of the national interest.

I have had the privilege of being the deputy chair and a member of the Foreign Affairs Committee since my arrival in the Senate. I wish to paraphrase, perhaps badly, something Senator Stewart has said in our committee: Most members come to the committee with their own particular perspectives. As he said, we all sit on our own hill, bringing our own temperament, our own ideas, our own philosophies and our own issues to the table. Somehow, it is the responsibility of the chairman to bring all these together in some landscape. I believe that Senator Stewart has fulfilled his own challenge of what a chairman should be in the Foreign Affairs Committee.

We were not an easy bunch to deal with. We all came with our vested opinions. Senator Stewart certainly gave each one of us the opportunity to speak and to put across our points of view. He exemplified what is best in a chairman, that is, fairness —

fairness toward each member, fairness toward the issue and fairness toward the responsibilities of the Senate. He brought to the committee that which I cherish most, namely, an academic bent.

After about six months into my stay here, when I was waxing eloquent on some point or another, one senator said, "Do not worry about her; she is an academic." The comment was said in less than complimentary terms. However, I felt that every time I spoke on an issue, Senator Stewart encouraged us to reach for a greater sophisticated level, a greater thought-provoking level on the issues with which we were dealing. He had the capacity of going to a senator at the end of a meeting and saying, "That was a good point." What he was really saying was, "Perhaps you should take your point in this direction and it will find better ground." He had a way of bringing us into line from time to time. More often than not, he had a way of challenging us to do a little better and to work a little harder in the committee.

As Senator Bolduc has said, our reports speak for themselves. They have been reviewed by those in areas of importance, sometimes by those in government, sometimes by those in the capitals of other countries, and always by those who study foreign policy issues.

Senator Stewart's work was done with charm, wit and with the sincere desire to further the work of the Senate. More often than not, when others were losing their heads, Senator Stewart had the ability to keep his and to be a gentleman throughout the process. The greatest gifts are to be able to keep one's calm, to keep one's civility and to keep the process moving forward.

Senator Stewart, I thank you for the years you served as chairman of the Foreign Affairs Committee. I thank you for the things that you have taught us. Other senators have covered your professorial bent sufficiently, so I will not go into that. However, I certainly share their point of view. The academic excellence and the political necessities of our reports speak for themselves, something which I attribute to you, Senator Stewart.

I trust that Senator Stewart will continue to watch our work. I hope that he will continue to enjoy the academic and political environment and, most of all, that he will continue to prod Canadians to reach the level of inquiry and excellence that he has attained in this chamber.

Hon. Peter A. Stollery: Honourable senators, this is one of the days that I have dreaded — the retirement of Senator John Stewart. I did not know Senator Stewart before 1984 when he came to the Senate. When I first met him in 1984, I said to some friends, "My God, not only is there MacEachen, whom we have known all of these years, but there are two of them."

Someone referred to Senator Stewart's regard for house leaders. I understand that. We have forgotten that since 1984 there have been majority Parliaments. Senator Stewart was elected by a small majority in three minority Parliaments. I also was elected in two minority Parliaments. In that atmosphere, one appreciates the responsibility of the house leader.

I have always been a great admirer of Senator MacEachen, and when I met Senator Stewart in 1984, I became a great admirer of Senator Stewart. He has contributed in an enormous way to the Foreign Affairs Committee, of which I have been a member since we started our hearings on the Free Trade Agreement in 1986. We became a committee that met a great deal, and Senator Stewart became the chairman. It is simply impossible to describe Senator Stewart's impact on our committee.

Honourable senators, Senator Stewart is a great teacher. People who knew him before I did have told us that. However, I, who came upon Senator Stewart here in the Senate, have learned that he is, for me anyway, the greatest teacher that I ever met. He has taught us how public business should be treated. He has high standards and values. Increasingly, perhaps as we all grow older, we wonder about values and standards.

When one come across someone like Senator Stewart, it is such a refreshing experience. He may be a political scientist, but he is also a philosopher. It is not by accident that one of his great loves is David Hume. He shares values himself with David Hume.

He has added immeasurably to our Foreign Affairs Committee, which has produced some excellent reports under his chairmanship. Our challenge now is to maintain that standard.

There is not much else that I can say other than that I am delighted to have heard the motion of Senator Murray because, one way or another, Senator Stewart will continue to help the Foreign Affairs Committee and to make a contribution to the life of the Senate, thus extending the great contribution he has made to Canadian public life.

Hon. Gerald J. Comeau: Honourable senators, Senator Graham mentioned earlier that in 1968 Senator Stewart vacated the redistributed seat of Antigonish to go back to university, but I think he forgot to note that Senator Stewart had, before going to St. FX, come to the Yarmouth region of southwestern Nova Scotia to run in the 1968 election against a young fellow by the name of Louis Comeau. That was the first time I had voted in a federal election. I should not say for which side I voted, but I think Senator Stewart forgives me for having voted for Louis Comeau, who ran for the Progressive Conservatives at that time. In fact, I think Senator Stewart has forgiven me on a number of occasions for that.

My point is not to reminisce about an election held 31 years ago, but to note that I wish we had had time to reorganize the Standing Senate Committee on Fisheries so that we could have made the proper speeches to Senator Stewart at that committee, because he has been one of the great members and contributors to it. On behalf of the members of the Fisheries Committee, I thank him for the way he has contributed to the various complex issues that faced us over the years. He earned the respect of committee members, witnesses and industry with his formidable research abilities, deep knowledge and expertise. On subject matters we sometimes found complex, Senator Stewart

was able to simplify them. He was always willing to share his wise counsel with all of us.

On behalf of myself and my colleagues, Senator Stewart, we shall miss you. You have been a great teacher.

Hon. Anne C. Cools: Honourable senators, for all those things that are honourable, just and true, I should like to associate myself with the very kind words being expressed to and for Senator John Stewart today. My seatmate, Senator Watts, and I were sworn in on the very same day in January 1984. It was that day when I met Senator John Stewart. You can say the bunch of us came together.

Senator Stewart, I have read some of your books. The one that I read most recently was your most recent book on David Hume. However, I must tell honourable senators that Senator Stewart gave me a copy of that book as a gift in return for a three-year loan of another book that I had loaned to him. When he offered me his book as a present, he cautioned me that he was doing that in lieu of charging me rent for storage.

Senator Stewart and I served on a few committees together. One that is especially important to me was his substituting for a period of time on the special committee studying Bill C-21 on unemployment insurance when it travelled to Nova Scotia, in particular to Canso. It is fair to say to Senator Murray and to the Tory senators across the way that in 1989, on that particular issue, on that particular trip and in that particular part of the world, we won the public relations and the media battle on that bill.

Honourable senators, Nova Scotia-born John Stewart, of Scottish heritage, and Senator Allan J. MacEachen, also Nova Scotia-born and of Scottish heritage, were a multitude. During the 1990 goods and services tax filibuster here in this chamber, Leader of the Government Senator Murray, another Nova Scotia person of Scottish heritage, felt the full weight of their multitude.

• (1510)

Honourable senators, it has been said by many that Edward Blake had been the greatest lawyer to serve in the Parliament of Canada, and also that Allan J. MacEachen had been the greatest parliamentarian to serve. I should like to say that John Stewart was certainly the greatest scholar and the greatest philosopher to have served here. His keen and exceptional intelligence, his clarity of mind, his knowledge of Parliament and his knowledge of principles and moral philosophy sustained our Liberal Party through very difficult and sometimes dark years of opposition from 1984 to 1993.

I should like to thank Senator Stewart and express my own special affection and respect for this man, and I should like to do so in a poetic way. Since you are a Nova Scotian, I say to you, Senator Stewart, fare thee well, and that is from the "fair maiden of Canso", as Senator MacEachen dubbed me during that particular time.

Some of us here, honourable senators, attended the MacEachen conference at St. Francis Xavier University in Antigonish some years ago and had an opportunity, at close quarters, to have a serious look at a particular institution where some of the finest in the country were trained. I should like to leave honourable senators with the Biblical quotation from which the motto of that school was taken. It is from the Epistle to the Philippians, chapter 4, verse 8:

Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

Senator Stewart, I wish you well in your retirement. I am anticipating your next book on David Hume. You leave this place with great respect, great love and great affection.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, as Leader of the Government in the Senate, I should like to associate myself with the words of praise that have been heaped on Senator Stewart by those much more able to do so than I. I should also like to acknowledge the huge contribution that Senator Stewart has made to the Liberal Party and to the Public Service of Canada, both in this institution and in the other place.

On a personal note, I must tell you that I feel a bit cheated. As a matter of fact, I feel doubly cheated, and I will explain why.

I came here a few short weeks ago badly in need of a mentor of the quality of Senator Stewart. He was kind enough to agree to sponsor me into this institution, and it will always be a matter of deep personal regret for me that he leaves now with my education barely begun.

I must tell you that this is not the first time this has happened to me. In 1962, I arrived in Antigonish, at St. FX University, eager to study philosophy and political science, hoping against hope that I could become a student at the feet of John Stewart, the professor, much the same as I did literally weeks ago. Unfortunately for me, within a short time after my arrival on campus, he left to take up the challenge of political life and went on to an absolutely brilliant career. At that time I was again cheated of the opportunity to learn at the feet of the master.

Honourable senators, I say that for one reason. Senator Stewart would know that, in Scottish culture and tradition, there is a belief in the forerunner. The forerunner is a person or a thing which signals events to come in the future. My arrival at St. FX in 1962 signalled for Senator Stewart the beginning of a new and important and brilliant career, unfortunately for me. I remain confident that my arrival here in the Senate short weeks ago will once again be the forerunner of a new, exciting, important and brilliant career for him.

Hon. Catherine S. Callbeck: Honourable senators, I, too, should like to join other senators this afternoon in paying tribute

to the Honourable Senator John Stewart. I very much want to associate myself with the sentiments that have been so eloquently expressed by many colleagues today. I have only a few words to add.

Senator John Stewart has very strong connections to Prince Edward Island. His father was born in my province, and many of his relatives still live there. Although Senator Stewart was not born in Prince Edward Island, he lived there for five years, so I consider him to be an Islander. In fact, the Stewart house, which is in Keppoch Road, near Charlottetown, is now owned and occupied by Dr. Colin McMillan, who is a brother to the Honourable Tom McMillan, who was in the cabinet of Brian Mulroney.

As an Atlantic Canadian, I must say that I am extremely sad to see Senator Stewart leave this place. His expertise, his knowledge in so many areas, as well as his strong commitment to Atlantic Canada, will be greatly missed.

Since coming to the Senate two years ago, I have often sought out Senator Stewart for his advice and his support. Today I wish to thank him publicly for the assistance and the support that he has given me.

As has been indicated here this afternoon, Senator Stewart has had a distinguished career in this place, and his presence and input will be greatly missed. However, I am sure that he will continue to work for the benefit of all Canadians.

Senator Stewart, I extend my best wishes to you on your retirement from this place.

[Translation]

Hon. Léonce Mercier: Honourable senators, the best speakers are kept for the last. I feel a bit uncomfortable paying tribute to my colleague. At the reception the other evening, in the foyer of the Senate, fabulous and very valuable prizes were awarded. My three colleagues Senators Bacon, Ferretti Barth and Maheu, were seated at my table. They looked over at Senator Stewart from time to time. I asked them why they were looking at him. They said: "Mr. Mercier, Senator Stewart looks younger than you." I am therefore unable to speak on the subject.

I believe, honourable senators, that the way things are done when someone leaves the Senate should be changed somewhat. You have yet to say the best things about this man. What you are saying makes no sense. I have a list of things to tell you, truth, not fiction. I have known him for three years. To complete the well-deserved tributes being paid today, the individual leaving us could propose adjournment so that everyone leaves at once. It will be difficult to get down to business again, later. We are being nostalgic. We do not have the time to say to ourselves that so and so has spoken well. The fine speeches come to an end, and we move on with Question Period. Have you considered the fact that with Senator Stewart's departure I lose a vote? We should try to change the way we do things to mark someone's departure significantly.

When I was in elementary school and the inspector came for a visit, we got the day off. We could do the same thing in the Senate. What is on the Order Paper could wait until tomorrow or Monday. We have nothing vital to hear today, apart from my remarks. Do not forget, Senator Stewart, to move adjournment.

I was going to forget the extraordinary things that fascinate me. You forgot, honourable senators, to say that this man has demonstrated the qualities necessary to be a senator, that he was intelligent in his discussions and wise in his committee chairmanship. He has met many challenges with distinction and has demonstrated a great sense of responsibility. As a senator, he has helped establish the Senate's impeccable reputation. He has marked the Senate, as others will do in the future. For the three years I have been fortunate enough to spend working with him, I have appreciated his honesty, sincerity and respect for others. In his private and his professional lives, he has earned the respect and the admiration of his colleagues and his acquaintances.

[English]

• (1520)

He is an excellent politician; listened to because he has shown, time and time again, his capabilities in dealing competently with all situations. Senator Stewart lives by the saying, "Do unto others as you would have them do unto you." That is a wonderful motto to live by.

As well, on a personal note, one to which I am sure others can attest, I should like to compliment the senator on his wonderful fashion sense, and would like to have the name of his tailor before he leaves.

I know that I speak for all of us when I say that the Senate and Canada loses an excellent representative today. His insight and wisdom will be missed. I wish you all the best.

Hon. John B. Stewart: Honourable senators, as Senator Graham has said, in 1962 I was asked to consider seeking the Liberal nomination in the federal constituency of Antigonish—Guysborough. I did not know how to respond. The incumbent Progressive Conservative member, Clement O'Leary, later a member of this honourable house, was highly regarded. Moreover, the Stanfield political machine was making the "Big Blue Machine" in Ontario look somewhat obsolete. My chances of winning were very small. Finally, I yielded to temptation. I rationalized my decision by telling myself that, as a professor of political science, it was my duty to undertake the campaign as a piece of academic research.

As it turned out, I was elected with a majority of 113. I attribute a great deal of my success — far more than 113 votes — to the work of Alasdair Graham. Then I managed to get re-elected in 1963 and 1965. The redistribution before the 1968 election merged most of Antigonish—Guysborough with Allan MacEachen's constituency. Consequently, I went carpetbagging down to Southwest Nova.

Alas, unlike most of the rest of Canada, during that election Nova Scotians were not possessed by Trudeaumania. Once again, we Liberals were running against Mr. Stanfield, then the new federal Progressive Conservative leader. Allan MacEachen was the only Liberal elected in our province. Having lost in Southwest Nova, I returned to St. Francis Xavier University.

Since for me this was an academic undertaking, I should say a word or two about the results of my research. What did I learn in the House of Commons? First, I learned a great deal about the good people of Antigonish and Guysborough counties; especially about their wharves, their breakwaters, and especially about the urgent need of dredging before the beginning of the lobster season in the early spring. Second, I learned something about the economic problems of Western Canada. Third, working with George McIlraith, the government house leader, I acquired a new respect for parliamentary procedure. I learned that good rules are essential if a legislative house is to work well.

In January 1984, I was summoned to the Senate. Again, my motive was strictly academic research, or so I told myself. What did I learn here? First, I gained a new respect for this house. It is not the "old folks club" that some professors and some journalists say it is. Second, I learned that the Senate can do important legislative work. Understandably, many members of the other place have little time for non-controversial and technical bills. Consequently, the Senate can complement the work of the House of Commons. Third, I learned the value of our committee work.

Even to mention committee work makes me think of the Standing Senate Committee on Foreign Affairs. Recently, we had two references: one, on the consequences for Canada of the increasing integration of the European countries; and two, Canada's role in peacekeeping. Yesterday I presented the committee's report on the first of these references.

Senators boast about the importance of our committee reports; however, I believe we pay insufficient attention to some of those reports here in this very chamber. Our report, for example, on Canada in Asia-Pacific attracted attention in the Antipodes and yet very little in the Senate itself. I trust that our European report will bring on a debate here.

The second report, the one on Canada and peacekeeping, should be ready within a few weeks. In that case, I am fully confident that you will have a robust debate on the committee's findings and recommendations. In fact, I hope that the committee will make them sufficiently provocative to guarantee such a debate.

I wish to thank the Banking Committee, especially Senator Kirby, for all that I learned while I was on that committee. The same is true for the Fisheries Committee, as chaired by Senator Comeau.

Senator Comeau, do not regret that you did not vote for me in 1968. Even if you had, I still would have lost by over 2,000 votes.

There are many others to thank. I mention Irene Duy, who was my secretary throughout almost all of my Senate years. No task was ever beyond her zeal or ability. I am glad to see her and her husband in the gallery this afternoon.

David Murphy has been my researcher. His knowledge and diligence have been indispensable to me, especially in relation to the work of the Foreign Affairs Committee.

David Raynor, who is a professor at Ottawa University and a relative of our former colleague Heath Macquarrie, kept reminding me of how much modern politicians owe to David Hume and Adam Smith. I should tell you that in the 1980s I started to write a book on Adam Smith, but what turned out was a second book on David Hume. The relationship between these two writers is direct and close. Smith built directly upon the foundation laid down by his slightly older predecessor.

• (1530)

As stated without exaggeration in the foreword to the report I presented yesterday, the committee came to rely greatly on the competence of Peter Berg, our researcher. On the peacekeeping report, Wolfgang Koerner has been hard at work, striving with admirable success to keep abreast of all the breaking news about Kosovo, the European security and defence identity, NATO, and the United Nations. That reference, proposed by Senator Lynch-Staunton, has proven timely, indeed, all too timely. David Goetz has helped us with splendid research on two questions: one relating to NATO's intervention in Yugoslavia without a UN mandate, and the second on the role Parliament should play when Canada takes part in these peacekeeping missions.

Three clerks have served the committee in recent years. I refer to Serge Pelletier, Line Gravel, and Till Heyde. Both here and abroad, they were our faithful and skillful pilots.

All the people who work around the Senate have been most helpful; the Speaker, the officers at the Table, the general staff and, of course, our security constables.

Reference was made by Senator Fairbairn to Bessie. Bessie is a wonderful dog, and I commission Senator Fairbairn to carry my greetings to her.

I want to thank all who have spoken here today, and also those who have spoken to me privately. You have exaggerated and, thereby, you have set for me a high standard for the future. Both retrospectively and prospectively, I thank you for all your kind words.

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, before moving on to Routine Proceedings, I want to take this opportunity to thank you for your show of confidence in appointing me to this position. I am deeply honoured and touched. I also know that with your cooperation we will work in the best interests of the Senate.

[English]

I am confident that we will all work together for the Senate of Canada with respect and dignity.

To Senator Stewart I say, "Bonne chance."

SENATORS' STATEMENTS

NATIONAL CHILD DAY

Hon. Catherine S. Callbeck: Honourable senators, I rise today because Saturday, November 20 is National Child Day. This year's National Child Day is receiving increased attention as it is the tenth anniversary of the adoption of the Convention of the Rights of the Child.

In the recent Speech from the Throne, numerous commitments were made by the government to Canada's children. Seven specific initiatives were highlighted as priorities over the next five years. As important as all seven initiatives are, I find myself drawn to one specific commitment, that being the one which focuses on support for early childhood development.

A leading expert in the field of early childhood development is Dr. Fraser Mustard. His research has shown that early intervention is fundamental for child development as it sets the stage for learning, behaviour, and health throughout the life cycle. His work has generated various programs in early childhood development throughout Canada.

I should like to highlight one of these programs for you today, and that is the Child Alliance Initiative in Prince Edward Island. Child Alliance is a community initiative which was established in June of 1998 by a group of concerned citizens. It brings together governments and non-governmental groups and organizations working with young children and their families. The goal is to create a vehicle to explore options and address the root causes of compounding social issues on young children.

Prince Edward Island, through the Child Alliance Initiative, is undertaking a real leadership role in this area. A specific program, made possible by support from the Child Alliance Initiative, is entitled, "Best Start". This is an intensive screening assessment and in-home visiting program that targets support to children from birth to three years of age.

Following the birth of their children, all parents in the region will be offered voluntary participation in a screening and assessment process that will be performed by public health nurses. Families who would benefit from the in-home support will then be referred to a Best Start worker. The program is designed, among other things, to enhance family functioning and to promote positive parent-child interaction and healthy childhood growth. The program will be assessed and evaluated in June, 2000.

Honourable senators, children are our future, and on this year's National Child Day it should be the goal of every community to make the early years the best years. If we want young Canadians to reach out and achieve for themselves, for each other, and for the future, we must ensure that programs such as those put forth by Child Alliance Initiative become a national priority.

MR. IRWIN COTLER

CONGRATULATIONS ON ELECTION AS
MEMBER OF PARLIAMENT FOR MOUNT ROYAL

Hon. Sheila Finestone: Honourable senators, I rise today to congratulate my friend and newly elected colleague, Professor Irwin Cotler, a proven leader whose actions and words fit the traditions, history and heritage promoted by past leaders from the riding of Mount Royal such as Pierre Elliott Trudeau and John Humphrey.

Human rights, the Canadian Charter of Freedoms and Rights, international human rights conventions, and the rule of law are key to a quality of lifestyle in a democratic country. Those key issues, and many others, make daily life worth living and are the hallmarks of Irwin Cotler's activities. His is a household name among those in this country who care deeply about the preservation of democratic society and fundamental human rights. It is clear that an innate sense of fairness underlies his commitment to the preservation of these values. He understands the fine principles and ideals of respect for diversity, of the right of peoples to their own spiritual and cultural ties, that guarantees of preservation of and respect for customs is tantamount to the right to live and be free, and that coexistence and tolerance in Canada should be the standard of our society.

[Translation]

As Harvard professor Alan Dershowitz told *La Presse* regarding our new member of Parliament:

He is a great champion of human rights. He is also the least selfish person I know. He is not interested in himself.

Until very recently, he has travelled around the world, at his own expense, to defend men who were in jail because of their opinions. These people owe a part of their freedom to him. Nelson Mandela in South Africa, Anatoly Scharansky in Israel, Andrei Sakharov in Russia, Nobel literature prize recipient Wole Soyinka in Nigeria, Jacobo Timmerman in Latin America, and Muchtar Pakpahan in Asia. He defended these men without any thought of money or publicity.

According to Irwin Cotler, his first law professor and philosopher was his father, who always told him that the pursuit of justice was the most important thing. Honourable senators, I think he has mastered that philosophy quite well.

[English]

• (1540)

A constitutional and comparative law scholar, he has litigated every section of the Canadian Charter of Rights and Freedoms, including landmark cases before the Supreme Court in the areas of free speech, freedom of religion, women's rights, minority rights, war crimes justice, prisoners' rights and peace law. He is unique and he will bring Mount Royal, Quebec and Canadian flair and fundamentals to the House of Commons.

The Hon. the Speaker pro tempore: I regret to interrupt the Honourable Senator Finestone, but her time has expired. Is there leave, honourable senators, for the honourable senator to continue her speech?

Hon. Senators: Agreed.

Senator Finestone: I thank honourable senators.

Professor Irwin Cotler has made a profound mark in the world of human rights. It is now time for him to bring to Parliament his sense of fairness, his compassion and his caring for the citizens of Mount Royal, for Canada and for the world.

With these remarks, honourable senators, I welcome Mr. Cotler to the other place. I know he will bring us all great food for thought and diversity of opinion.

ROUTINE PROCEEDINGS

BANKING, TRADE AND COMMERCE

FIRST REPORT OF COMMITTEE TABLED

Hon. Leo E. Kolber: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

POST-SECONDARY EDUCATION

FIRST REPORT OF SPECIAL COMMITTEE TABLED

Hon. Mabel M. DeWare: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on Post-Secondary Education, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 23, 1999, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

DIVORCE ACT

BILL TO AMEND—FIRST READING

Hon. Anne C. Cools presented Bill S-12, to amend the Divorce Act (child of the marriage).

Bill read first time

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on Orders of the Day for second reading on Tuesday, November 30, 1999.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Sharon Carstairs: Honourable senators, on behalf of Senator Kirby, I give notice that on Tuesday next, November 23, 1999, he will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Sharon Carstairs: Honourable senators, I give notice on behalf of the Honourable Michael Kirby that, on Tuesday next, November 23, 1999, he will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and

consideration of such bills, subject matters of bills and estimates as are referred to it.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
DEVELOPMENTS IN EUTHANASIA AND ASSISTED SUICIDE

Hon. Sharon Carstairs: Honourable senators, I give notice that on Tuesday, November 23, 1999, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon developments since the tabling in June 1995 of the final report of the Special Senate Committee on Euthanasia and Assisted Suicide, entitled *Of Life and Death*. In particular, the Committee shall be authorized to examine:

1. The progress on the implementation of the unanimous recommendations made in the report;
2. Developments in Canada respecting the issues dealt with in the report;
3. Developments in foreign jurisdictions respecting the issues dealt with in the report; and

That the Committee submit its final report no later than June 6, 2000.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Leo E. Kolber: Honourable senators, I give notice that on Tuesday next, November 23, 1999, I will move:

That, the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-sixth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than December 31, 2000.

[Translation]

PRIVILEGES, STANDING RULES AND ORDERS

COMMITTEE AUTHORIZED TO
MEET DURING SITTINGS OF THE SENATE

Hon. Lucie Pépin: Honourable senators, I give notice on behalf of the Honourable Senator Austin, with leave of the Senate and notwithstanding rule 58(1)(a);

That the Standing Senate Committee on Privileges, Standing Rules and Orders have power to sit at 4:30 p.m. on Tuesdays, even though the Senate may then be sitting, from now until the end of December 1999, in order for the Committee to deal expeditiously with the questions of privilege raised by the Honourable Senator Andreychuk and the Honourable Senator Kinsella, which have been referred to the Committee, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker pro tempore: Honorable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[English]

• (1550)

OFFICIAL LANGUAGES

STANDING JOINT COMMITTEE AUTHORIZED
TO MEET DURING SITTINGS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise to make a request of senators in the context of the work of the Standing Joint Committee on Official Languages. The Honourable the Speaker *pro tempore* is a member of that committee. Therefore, I wish to move the following motion in her place.

Honourable senators, on behalf of Senator Losier-Cool, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on Official Languages have power to sit during sittings and adjournments of the Senate; and

That a message be sent to the House of Commons to acquaint that House thereof.

This committee has traditionally sat even though the Senate is sitting and this motion is consistent with past practice of the Senate. In fact, it intends to sit next Tuesday, before we meet here. Thus, there is the request that this motion be dealt with now.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

FOREIGN AFFAIRS

SUDAN—INVOLVEMENT OF TALISMAN ENERGY INC.—
RESPONSE TO CRITICISMS FROM INTERNATIONAL COMMUNITY

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. I am sure that we are all aware of the saying that "people who live in glass houses should not throw stones." Canada has been a champion for protecting the well-being and safety of individuals around the world. The Minister of Foreign Affairs, Mr. Axworthy, has been quick to criticize other countries when they fail to uphold human rights.

Yesterday, however, the U.S. State Department reversed this role and severely criticized Canada for the continuing commercial operations in Sudan by Calgary-based oil firm Talisman Energy Inc. They also accused the Liberal government of abandoning its "high road" approach to foreign policy by 'turning a blind eye' to the Khartoum regime's atrocities." The State Department claims that Talisman's exploitation of Sudan's oil fields was facilitated by the Khartoum government's use of "bombers, helicopters gun-ships and artillery against unarmed civilians." They fear that Talisman's investment in Sudan's oil sector will support the fundamentalist regime's efforts to continue its civil war in the south of Sudan.

To date, the Canadian government has yet to order Talisman out of the country and has steered away from sanctions against Sudan, despite pressure on the Minister of Foreign Affairs from Canadian and international NGOs, as well as the Inter-Church Coalition on Africa for over a year. In fact, Mr. Axworthy has only recently committed to a fact-finding mission in Sudan.

I ask the Leader of the Government in the Senate: In the face of this international criticism, national headlines, and Prime Minister Chrétien's vow to increase foreign aid to developing countries, how does the government justify its delay in responding to the Sudan/Talisman situation?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, this matter has come to the attention of the Canadian government and the minister responsible. It is being taken very seriously. The reports linking the Canadian private sector interest that the honourable senator mentioned to alleged violations of human rights and international law are matters of grave concern.

As the honourable senator pointed out, the Minister of Foreign Affairs has commissioned an independent Canadian mission to Sudan to immediately examine the reported link between human rights violations and this company. He will expect a report and will act on its contents.

SUDAN—INVOLVEMENT OF TALISMAN ENERGY INC.—
GOVERNMENT POLICY ON HUMAN SECURITY AGENDA
VERSUS INTERESTS OF INVESTORS

Hon. Donald H. Oliver: Honourable senators, if it is revealed that oil pumped by Talisman is being refined for use in fuel used by the Khartoum military campaign, how does the government intend to maintain the policies of its human security agenda, while protecting the interests of Canada's largest mutual and pension funds, who are the main investors in Talisman?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the issue here is whether or not this Canadian private sector company is in violation of human rights and international law. If that is the case, then the Government of Canada may consider economic and trade sanctions with respect to this activity. By his recent actions, clearly the minister is very concerned and will act promptly once he receives the independent commission's report.

INTERNATIONAL TRADE

NORTH AMERICA FREE TRADE AGREEMENT—
SUIT BY CALIFORNIA COMPANY OVER LOSS OF CONTRACT
FOR BULK WATER—GOVERNMENT POSITION

Hon. Mira Spivak: Honourable senators, I have a question for the Leader of the Government in the Senate. I understand that a small California company called Sunbelt is suing the federal government for about \$10.5 billion in compensation for avoidance of a contract with the B.C. government for the purchase of bulk water. Sunbelt is suing under the NAFTA investor rights and national treatment provisions — that is, the super investor rights — in which compensation is asked not only for lost profits but also for all future profits. Of course, this case is to be heard not in open court but, rather, by a dispute settlement panel.

In view of the recent decision of a NAFTA panel in the case of an American company against the Mexican government, also involving super investor rights, is the Canadian government prepared to fight this Sunbelt case to the finish?

I ask this question because, in the unfortunate instance of MMT, the government capitulated to Ethyl Corporation and settled for about \$20 million. The case was never heard and the government conceded that the Ethyl Corporation had a right to that compensation. Could the leader give us some indication of whether the government is preparing to fight this case to the end in view of that precedent?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, obviously the matter has become a question of some contest in the dispute settling mechanism. I shall raise

that issue with the minister to determine the current state of affairs. Bearing in mind that, if the matter is in litigation or in the middle of a dispute settlement mechanism, the response may be very brief.

Senator Spivak: Honourable senators, this matter is before an international trade dispute settlement panel. This is not an open court and it is not a transparent procedure. People in Canada know nothing about it. This is a matter of great public interest. That is why I raise the question here. The previous trade minister, Sergio Marchi, certainly made every effort to open up the process under the dispute settlement mechanism.

It is important for the Canadian public to know, in this instance, whether the super investment rights of U.S. investors are higher than the rights of Canadians and whether this process will obligate the government not only to pay damages for lost profits but also for all future profits. This is a huge case.

Senator Boudreau: Honourable senators, the fundamental issue is the government's position respecting the export of bulk water. I assume that the honourable senator is fully in support of that position, namely, that bulk water should not be exported from this country. We have made great progress in that particular area, as I am sure the honourable senator would agree. The particular case Senator Spivak refers to, may be one of the outcomes of that progress. However, it would be unwise at this stage to discuss in detail what the government's strategy or course of action might be, particularly in this case in which an American company is claiming a huge amount of money.

• (1600)

GOVERNMENT POLICY ON DEFENDING
AGAINST SUITS BY CORPORATIONS

Hon. Mira Spivak: Honourable senators, if that is the case and the leader cannot disclose details, it is important to know whether, in this instance, the government is prepared to go to the dispute settlement process. Surely, that could be made public. I would hope the government would not settle with the company, as they did in the MMT case.

My question is: Is the Government of Canada, like the Government of Mexico, prepared to fight this issue of corporations suing governments?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am sure the Government of Canada will be anxious and ready to protect our interests following advice from people who are working with them. I am unaware of precisely what their course of action will be. It would be unwise to indicate that position at this time.

Clearly, on the matter of principle, the government has taken a strong position against the export of bulk water. The federal government has received cooperation from the provinces in those areas. We have achieved a national policy and we will defend it in any manner that is appropriate. The government remains committed to that defence.

BUSINESS OF THE SENATE

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to ensure certainty in our procedures. Rule 56(3) of the *Rules of the Senate* addresses the matter of the giving of a notice:

Notice under this rule may be given by one Senator for any other Senator...

Senator Hays gave notice of a motion on behalf of the Speaker *pro tempore*. Rule 56(3) says that a senator may act for another senator not then present with the permission of the senator who is absent.

Rule 55(3) provides that where the Speaker wishes to participate in the debate, the Speaker will take his or her place, and another senator will occupy the Chair. The senator who is also the speaker is then able to fully participate in the debate like any other senator. I should think the same applies for the Speaker *pro tempore*.

The proper way to have handled the matter in question would have been for the Speaker *pro tempore* to have taken her seat, and another senator to have occupied the Chair, thereby complying with both rule 56(3), and the logic of speaking as outlined in rule 55. What we heard from the Speaker in the ruling yesterday is what we must rely on.

I shall not object to the validity of the proceeding that has progressed, but in the future, perhaps it should be done according to the rules.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I appreciate the Deputy Leader of the Opposition raising this matter. I must say that I did not make the request for leave to put the motion in full knowledge of the rules, but, as I listened to him, I concluded that he is correct, had I been moving the motion in the name of the Speaker *pro tempore*.

I tried to build into my comments the reason why I was making the motion, as it related to a request of the Speaker *pro tempore*, which perhaps should not have been mentioned. I would have to examine the record to see exactly what I said. However, what I was trying to do was request leave and then put the motion myself.

I am not a member of the joint committee, and I did refer to the Speaker *pro tempore*, who is a member. I understand they will be holding their first meeting next Tuesday, which is the reason for the initiative.

I understand what Senator Kinsella has said, and in future I shall bear it in mind. I thank him for not objecting or withholding leave, because that motion will, of course, facilitate the work of the committee

ORDERS OF THE DAY

PERSONAL INFORMATION PROTECTION
AND ELECTRONIC DOCUMENTS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Lewis, for the second reading of Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

Hon. Donald H. Oliver: Honourable senators, electronic commerce is a subject upon which I have a profound interest. Therefore, I am pleased to add my voice to the debate on second reading of Bill C-6, to implement the Personal Information, Protection and Electronic Documents Act.

This bill is designed to protect the privacy of personal information, gathered, used or disclosed in the course of commercial activity by certain Canadian organizations. It also contains initiatives to recognize secure electronic signatures for use in electronic transactions with government and deals with clarification of how courts will assess the reliability of electronic documents entered as evidence in the courts.

This is legislation that Canada desperately needs in order to facilitate our successful participation in the evolving, global, knowledge-based economy, an economy that the experts on this subject are predicting is set to explode with activity in less than a year.

The problem, and I repeat the phrase used by Senator Murray, is that Bill C-6 "does not cut it." As drafted, this bill is an extremely confusing and fundamentally flawed piece of legislation. It is questionable as to whether it can effectively protect the privacy of Canadians and at the same time help to ease their successful participation in the worldwide arena of electronic commerce. This is an uncertainty that Canada cannot afford to have if we intend to remain a competitive force in the global economy.

Bill C-6 is the product of a government whose past procrastination is now forcing them to hastily develop laws that will protect Canadians in the face of the coming boom in e-commerce. The government has dragged its heels and must now play catch-up with our two major trading partners, the United States and the European Union, which have already developed and implemented legislative policies regarding electronic commerce and protection of personal privacy.

We are all aware of the claims that e-commerce will change the way that Canada does business. Canada is a world leader in information technology. However, statistics reveal that business interests in this country appear reluctant to use the powerful economic engine that e-commerce provides. According to a survey conducted by Angus Reid last spring, Canadian businesses have been slow to capitalize on electronic commerce opportunities, notwithstanding that we have 12.9 million Canadians on line. The survey indicated that while 90 per cent of Canadian on-line shoppers consciously looked for sites, only 38 per cent actually conduct on-line transactions with Canadian countries. This leads one to wonder which companies are profiting from the purchasing power of 62 per cent of Canadian on-line shoppers and in what countries are they located?

• (1610)

Unlike their Canadian counterparts, American businesses have embraced the electronic commerce revolution. Small, specialized companies and industry giants such as Procter & Gamble, for example, are spearheading major commercial initiatives that are set to use e-commerce technology to optimize the services they have available to consumers. In comparison, Canadian companies are lagging behind the Americans in this area.

This imbalance has the potential to give the United States, our largest trading partner and economic competitor, a monopoly on e-commerce when the boom finally hits this country. We are facing the risk of losing huge revenues to American competitors as a result of the slow response from the private sector and government.

Bill C-6 in its present form will only serve to aggravate the situation, and I will explain why that is so.

This bill unduly restricts the legitimate activities of small and medium-sized businesses and will establish a new, restrictive, regulatory framework without a cost-impact study. It also raises the spectre of a new round of federal-provincial battles, as both the Governments of Quebec and Ontario oppose it.

Another problem is that Bill C-6 applies to commercial organizations, but it is not clear whether it applies to non-profit organizations or professions such as law and medicine. For example, it is unclear if this legislation could be applied to a physician's records.

These are only a few of the reasons why Bill C-6, if it is passed in its present form, may seriously hinder the e-commerce initiatives of Canadian businesses. If this bill serves to restrict the progress of the Canadian private sector in e-commerce development, there is a potential for foreign companies to gain a significant competitive edge in this country. The very nature of electronic commerce allows foreign companies to remain exempt from our federal and provincial regulations, and yet still have the ability to profit from commercial transactions with Canadian customers. This could have devastating effects on the private sector, our economy, and ultimately our consumers.

I am persuaded by Senator Murray's logic that Bill C-6 is really two bills in one. The controversial Part 1 of this bill, which

protects the personal information collected in the course of any type of commercial activity, represents one principle or purpose. Parts 2 to 5 are concerned with the validation of electronic documents and processes under the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act, and are focussed on another principle altogether.

It seems to me that the idea of splitting Bill C-6 would assist honourable senators and the committee in our study of it, thereby allowing us to give a separate and thorough examination to the two themes and principles that currently exist within this one bill.

Parts 2 to 5 were quickly reviewed and practically forgotten in the House of Commons because of the debate generated in response to Part 1. Now the Senate has the opportunity to provide a careful analysis as to the feasibility of these proposed groundbreaking sections that will assist in establishing electronic commerce in this country and give clear legal status to certain electronic documents. It is important that the committee be afforded the opportunity to consider these clauses carefully in their study. This legislation is long overdue and urgently required.

As for Part 1, every aspect of the privacy provisions in this bill must be looked at in depth. The committee should not feel rushed or pressured in their study, no matter how rapidly the government may desire to see this bill pass through the Senate. The protection of privacy is a fundamental right for all Canadians, and we are in definite need of legislation in this area.

In the last session of Parliament, the House of Commons Standing Committee on Industry carried out an extensive study of the predecessor bill, Bill C-54. They heard from many concerned citizens, experts and organizations who gave evidence to the importance of having strong and effective legislation relating to privacy and e-commerce in Canada.

Among these groups was the Canadian Medical Association, who opposed the bill on the basis that, as it was developed to regulate information use and disclosure for commercial purposes, it could have a negative impact on health care and the health system.

Recently, other health associations and individual health practitioners have phoned, e-mailed, written and faxed my office to express their concerns over Bill C-6. The Canadian Dental Association informed me that this bill:

...fails to satisfy basic requirements to protect individual Canadians from misuses of health information by secondary and tertiary users of this information.

They asked that the Senate act to clarify and strengthen the bill as it relates to personal health data.

The Canadian Mental Health Association adds that:

...research using non-identifiable information would be difficult if individual consents had to be obtained for use of each individual's information.

Dr. David Zitner, Director of Medical Informatics at my former alma mater, Dalhousie University in Halifax, contacted me to speak specifically on this same point. He said:

...a tradition in Canada has been to use personal information for public good (with appropriate protections for privacy and confidentiality.) CENSUS activities are one example where people might be compelled to provide private information for public benefit.

Dr. Zitner believes that it is essential that pertinent legislation ensures that health organizations, governments and research institutes can use information collected for care to support research and quality improvement activities, with appropriate protections for security, privacy and confidentiality. This means that research organizations and health institutions would be able to use and report aggregate information.

The Canadian Bar Association also has concerns about Bill C-6. In their presentation to the House of Commons Committee on Industry, they stated that there are three main problems in Part 1 of the bill. First, the structure of Part 1 is unusual in Canadian law and not entirely successful. They were concerned that problems of interpretation may arise because of the nature of the National Standard of Canada entitled *Model Code for the Protection of Personal Information* and the manner of its inclusion in this bill as Schedule 1. The standard is structured and intended as a set of guidelines to be implemented by an organization rather than a legally binding code creating specific rights and obligations.

Second, the bar detected the distinct possibility that certain procedural concerns will arise from the role and responsibility of the Privacy Commissioner. In order to strike the desired balance between individual rights and the development of electronic commerce, the government must ensure that the public authority charged with the enforcement of Part 1 has the resources to do the job effectively. At the same time, the government must ensure that the protection of individual privacy is not achieved by means where they themselves may unduly intrude on the privacy of organizations and the people who work in them, as this would be an abuse of their own procedural rights and make the law seem unjust. The Senate committee must do some substantial repair work to clarify this conundrum.

Third, the bar association stated that the bill raises constitutional issues, both with respect to the division of powers between the federal and provincial governments and with respect to the Canadian Charter of Rights and Freedoms. The legislation is so ambiguous that the Canadian bar could not come to a final conclusion as to whether or not the federal government would be successful in exercising its powers under this bill. Ultimately, the association was unsure if the bill could stand the test of a court challenge.

The final position taken by the bar was that the problems in Part 1 of the bill dealing with structure, procedures and constitutional issues must be addressed before it is enacted, as

they have the potential to lead to difficulties in interpretation that will ultimately undermine the importance of this legislation.

Honourable senators, it is imperative that we in this house of sober, second thought meet this challenge and do what the government did not do — work to address and correct the flaws in Bill C-6. The luxury of time is gone. The price we will pay in adopting a “wait and see” or “fix it later” approach in implementing e-commerce legislation is just too high. The boom is almost upon us, and Canada cannot afford to be caught unprepared.

A few months ago, a fellow Nova Scotian Mr. James Cameron contacted me in response to an article I had written on the brain drain situation. He wanted to share his thoughts on this subject as a citizen of Atlantic Canada and as vice-president of operations for the Information Technology Institute, ITI, one of the most prestigious information technology training centres for university graduates in North America.

• (1620)

Mr. Cameron informed me that the migration to the United States of highly trained, university-educated Canadians is a definite reality and is on an increase in the information technology sector. This situation has become a subject of personal conflict for him. As an educator, Mr. Cameron is pleased to see his students snapped up by high-tech companies offering exciting jobs with excellent salaries. As a Canadian citizen and a taxpayer, he is not so pleased to see that the majority of these recruiters are from companies in the United States. American companies are so eager to hire as many information technology graduates as they can that some have begun to offer ITI students jobs before they have even finished their training.

I took special note of Mr. Cameron's increasing unease over the fact that a growing number of ITI students who have focused their studies on electronic commerce are being actively courted by several American companies. Once these individuals graduate, it is rare that they remain in this country, and he believes we have already lost a significant number of Canadian-trained, e-commerce experts to the United States. America is already way ahead of us in the development and implementation of strategies to ensure profit from the global knowledge-based economy. The lack of response from the Canadian private sector towards e-commerce, teamed with the government's restrictive taxation and student loan repayment policies is working to the benefit of American companies. We are not on a level playing field with the Americans, and it will be very difficult for us to compete with them in e-commerce areas.

Bill C-6, which is modelled after the directive implemented by the European Union, and which is in opposition to the current U.S. approach, will only make this situation worse. The need for privacy legislation to protect the personal information of Canadians is necessary in order to secure public acceptance of electronic commerce. It is also needed to permit this new economic engine to thrive on national and global levels. Bill C-6 will not assist in achieving these goals.

Honourable senators, we simply cannot afford to pass Bill C-6 as it is currently drafted. The opportunity is here for us to fix this bill so it will protect the privacy of Canadians while, at the same time, allowing our private sector to thrive and remain competitive, not only with our biggest trading partner but with the rest of the world.

On motion of Senator Kinsella, for Senator Keon, debate adjourned.

[Translation]

**NATIONAL DEFENCE ACT
DNA IDENTIFICATION ACT
CRIMINAL CODE**

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Ruck, for the second reading of Bill S-10, to amend the National Defence Act, the DNA Identification act and the Criminal Code.

Hon. Pierre Claude Nolin: Honourable senators, before beginning my speech, I wish to thank the Solicitor General of Canada for taking into account the points I raised during consideration of Bill C-25, to amend the National Defence Act to make consequential amendments to other Acts and Bill C-3, respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts, prior to the drafting of Bill S-10. These bills were passed during the first session of the Thirty-sixth Parliament. I am pleased to note that the minister also took into consideration the recommendations in the sixteenth report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-3 with respect to the legislative amendments needed to improve management of the national DNA data bank and ensure greater respect for Canadians' privacy.

Honourable senators, I am pleased to speak today in favour of Bill S-10, to amend the National Defence Act, the DNA Identification Act and the Criminal Code. Its purpose is to include in the national DNA data bank, created through the adoption of Bill C-3, in December 1998, DNA profiles of offenders sentenced under the military justice system. As you know, the provisions of the legislation now apply only to offenders sentenced in civilian courts.

Since its introduction into Canada in 1988, DNA analysis for medical and legal purposes has made it possible to convict those who commit violent crimes, as well as release individuals wrongfully convicted by the courts. This powerful criminal investigation instrument was introduced in two stages.

First, in 1995, amendments were made to the Criminal Code to allow DNA samples to be taken following the issue of a warrant

in order to facilitate the conduct of certain police investigations and the identification of suspects.

Then, in September 1997, Bill C-3 was introduced in the House of Commons. Its purpose was to lay the initial groundwork for the structure and administration of a national DNA data bank. This new legislation was the second stage of the government's initiative. It would establish a national bank containing the DNA profiles of persons found guilty of serious and violent crimes, and DNA samples found on the sites of unsolved crimes. The data bank should be operational by June 2000 and will be administered by the RCMP, which now runs six forensic laboratories.

Honourable senators, although I supported the reasons leading to the passage of Bill C-3, I, nevertheless, noted following an in-depth study of this new legislation that the departments of the Solicitor General and the Minister of Justice had forgotten to include the DNA profiles of the military personnel sentenced for serious and violent offences, as is the case for individuals found guilty of such crimes in civilian courts.

On October 6, 1998, Arthur Eggleton, the Minister of Defence, testified before the Standing Senate Committee on Legal and Constitutional Affairs to introduce the provisions of Bill C-25. As its aim was to reform the military justice system, I asked the minister whether military personnel charged or found guilty under the new law would be subject to the provisions in Bill C-3. At the time, I also asked the minister which of the RCMP or the military police would be responsible for taking DNA samples and keeping them in the case of offences involving the military.

Honourable senators, these questions were very important because, according to the provisions of Bill C-25, sexual crimes committed by the military were henceforth to be dealt with by the military courts. In addition, the Minister of Justice, Anne McLellan, had already justified the establishment of a DNA data bank to give the police greater efficiency and the ability to arrest repeat killers and sexual offenders more quickly.

Nevertheless, the Minister and the officers of National Defence were unable to answer these questions. Brigadier-General J. Pitzul of the Canadian Army stated that he did not know whether Bill C-3 should apply to Army and National Defence personnel, even though he had met with Department of Justice officials on the reform of the military justice system.

This was a very significant omission in the bill given that Bill C-25 was to make the administration of justice within the Canadian Armed Forces more transparent.

In that sense, it was unacceptable for military personnel to enjoy special status by being excluded from the application of the provisions contained in the new DNA Identification Act. This is particularly true considering that, over the past few years, several scandals involving sexual assault and aggravated assault by Canadian military personnel participating in missions abroad have made the headlines in our country. These incidents have tarnished the reputations of the Canadian Army and of its justice

system in the eyes of the public. The structure of our society, and of our law, requires consistency. All are equal before the law. Everyone has the same rights, but also the same obligations. At the time, committee members did not deem appropriate to amend Bill C-25 to subject military personnel to the provisions on the DNA data bank.

Honourable senators, when we reviewed Bill C-3 in committee, I again raised that issue with the Solicitor General of Canada, who was responsible for the new legislation. First, I wanted to know if his department agreed with what the Minister of National Defence and Canadian Forces officers had stated. Second, I was hoping the minister would tell me that he had taken their evidence into account in amending Bill C-3. The answer to both questions was no.

During the committee proceedings, I also expressed serious reservations about the effectiveness and clarity of certain provisions of the bill which were supposed to ensure, among other things, that DNA samples and profiles would not be used for purposes other than those provided for in the act, namely for criminal investigation purposes, and that the right to privacy of those who had to provide DNA samples would be protected. I also questioned the fact that, under the bill, DNA profiles in the "crime scene index" and in the "convicted offenders index" would no longer be accessible when an investigation was not conclusive, when an individual was no longer considered to be a suspect, or when the court issued a verdict of acquittal or found the accused to be not guilty. In my opinion, these profiles, in spite of what RCMP scientists claimed, should be destroyed to reduce the risk that they might be used for purposes other than those prescribed in the act.

In December 1998, the sixteenth report of the Standing Senate Committee on Legal and Constitutional Affairs recognized the urgent need to establish a national DNA data bank that would allow the country's police forces to fully take advantage of the recent technological advances in this area, so as to enhance public safety.

However, committee members were afraid that, in the medium term, the bill might have unprecedented and unforeseen repercussions on the privacy of Canadians. In addition, they felt that the nature of the information in the data bank required that there be strict monitoring of any process that might result in the disclosure of this information to foreign agencies or governments.

The report therefore recommended that the federal government strengthen the legislative provisions with respect to administration of the DNA data bank and the safety of the information it contained.

In order to address these concerns and thus allow passage of Bill C-3 in order to authorize the immediate establishment of the DNA data bank, the Solicitor General of Canada, Lawrence MacAulay undertook, during his appearance before the committee on December 7, 1998, to introduce, during the anticipated 18-month interval between Royal Assent and the

coming into force of Bill C-3, a new bill that would make it possible to extend the jurisdiction of the DNA data bank to offenders found guilty under the military justice system; to require the Commissioner of the Royal Canadian Mounted Police to report on the operation of the DNA data bank in his annual report to the minister before it was tabled in Parliament; to include in the new bill a requirement for a parliamentary review every five years in order to reassure committee members with respect to the very sensitive nature of the information that will be in the DNA data bank and the rapid evolution of technology in this field; and to give Senate and House of Commons committees the same right of review every five years as is contained in the new bill.

It is important to mention that all of this can be found in the committee's sixteenth report.

Honourable senators, Bill S-10 was drafted to reflect certain points raised in the committee report. In my opinion, this is the third stage in the federal legislation relating to the use of DNA identification for the purposes of criminal investigations. Yet the Solicitor General asked that the bill be introduced in the Senate before going to the House, so that senators might ensure that all areas of concern be properly dealt with by your Standing Committee on Legal and Constitutional Affairs.

Now, having given the background to this bill, I would like to address the matter of the amendments proposed in Bill S-10.

Under the new bill, as I said at the start of my speech, the genetic profiles of persons subject to the Code of Service Discipline who are found guilty of serious offences involving violence will be included in the DNA data bank. This code applies to military personnel, members of the Reserve and certain civilians accompanying military personnel overseas.

• (1630)

Under the provisions of Bill S-10, military judges are authorized to: first, order offenders subject to the Code of Military Discipline convicted of a designated offence to provide samples of bodily substances for the purpose of the DNA bank, under the schedule to the DNA Identification Act, and, second, to issue DNA warrants in the investigation of designated offences committed by a person who is subject to the Code of Service Discipline, both in Canada and abroad.

At the present time the military police are authorized to obtain a DNA warrant only in the case of offences committed in Canada. The fact that the military police are now authorized to obtain warrants for designated offences committed outside the country is a marked improvement, when we consider that in excess of 4,000 military personnel are serving in 27 missions abroad, and that serious incidents involving Canadian military personnel have occurred in Somalia and Bosnia-Herzegovina.

As is the case with the current provisions of the DNA Identification Act, Bill S-10 provides that the samples and the results of analyses will be transmitted to the RCMP Commissioner for filing in the data bank.

The new act also provides that the provisions to be included in the National Defence Act concerning the authority to approve the taking of DNA samples, the handling and storage of samples, the results of DNA analyses, and the guarantees regarding the protection of privacy will be identical to those found in the DNA Identification Act. However, these provisions have been adapted to the context of the military justice system.

It is to be noted that the DNA Identification Act includes a list of designated offences and provides that an individual found guilty of one of these offences may be required to provide a DNA sample for the purpose of forensic DNA analysis. The list is divided in two types of offences: primary and secondary.

In the case of primary designated offences, samples must be taken when the person is found guilty, except under exceptional circumstances. This type of offence includes those that involve violence or that are of a sexual nature, and for which evidence based on DNA profiles can be particularly useful. These offences include incest, sexual exploitation, murder, manslaughter, assault with a weapon or causing bodily harm, causing bodily harm with intent, sexual assault, aggravated sexual assault, kidnapping and forcible confinement.

In the case of secondary designated offences, the taking of samples is not compulsory. However, the Crown must convince the judge that the taking of such samples is in the interest of public safety. These are less serious offences for which DNA analyses cannot always be used to solve a crime or prevent other ones. These offences include using explosives, piratical acts, assault, breaking and entering with intent, arson, causing death by criminal negligence, assaulting a peace officer, robbery and hostage taking.

Under Bill S-10, this list, which defines the situations where DNA samples can be taken, will now apply to military personnel who are found guilty of such offences. Moreover, serious and violent offences that are found only in the military justice system, such as mutiny with violence, will be included in the list of designated offences appended to the DNA Identification Act.

Honourable senators, the changes introduced by Bill S-10 do not alter the main elements of the DNA Identification Act. Their aim, rather, is to reinforce some of its principles and correct certain major discrepancies identified by members of your committee.

First, the new law would change certain parts of the DNA Identification Act to take into account changes to the National Defence Act.

In addition, clause 12 of the bill provides that, within the five years following the act's coming into force, a committee of the

Senate or of the House of Commons or a joint committee will review the provisions and the operation of the act. This same clause provides that a report shall be tabled annually on the operations of the data bank by the Commissioner of the Royal Canadian Mounted Police. It shall be tabled before each House of Parliament within the first 15 days of sitting of each house and following its reception. These changes will respond to the concerns of the committee members by giving Parliament the means to better oversee and monitor the administration of the data bank.

Finally, the law is changed by Bill S-10 so it may be made clear that the DNA profiles and bodily substances taken to establish them may be used for nothing but identification purposes in criminal investigations.

Honourable senators, I want to point out that Bill S-10 also includes a number of technical amendments to further clarify certain aspects of the Criminal Code with respect to the application of the DNA Identification Act. These changes were proposed following the creation of a federal-provincial task force to establish the new DNA data bank. Following a number of meetings, provincial officials in the public security and justice sectors stated that the current law was not clear enough as regards the circumstances under which a judge need not order a DNA sample. Bill S-10 responds to these concerns by setting out clearly that a sample need not be ordered if the court is advised that the DNA profile of the person in question is already in the DNA data bank.

Bill S-10 also makes provision for a provincial court judge to authorize the execution of an order to obtain a DNA sample made or issued in another province.

Finally, this bill makes several other technical amendments to the Criminal Code to clarify and strengthen the system for the taking of bodily substances for forensic DNA analysis.

In closing, honourable senators, I am happy once again to note that, thanks to the vigilance of members of the Standing Senate Committee on Legal and Constitutional Affairs, the National Defence Act, the DNA Identification Act and the Criminal Code will, in my view, and I am sure you will agree, be greatly enhanced by Bill S-10 as it relates to the concerns of this house regarding the establishment and management of the new national DNA data bank. As I said at the beginning of my speech, this is an extremely powerful tool with important repercussions for our justice system and our society. The provisions of Bill S-10 will ensure greater respect for the privacy of Canadians by setting clearer guidelines for the police and the courts regarding the use of DNA profiles in criminal investigations. I can assure you that the bill will be seriously considered in committee in order to ensure that it responds to the concerns expressed by members in this house one year ago.

The Hon. the Speaker *pro tempore*: Honourable senators, if no other senator wishes to speak, I will proceed with the motion.

The Honourable Senator Fraser, seconded by the Honourable Senator Ruck moved the second reading of the bill.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Fraser, bill referred to Standing Senate Committee on Legal and Constitutional Affairs.

[English]

MEDICAL DECISIONS FACILITATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Pépin, for the second reading of Bill S-2, to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain.—(*Honourable Senator Lavoie-Roux*)

Hon. Douglas Roche: Honourable senators, legislation affecting the issues of life and death demand the deepest reflection of parliamentarians. Thus, I have examined with great care Bill S-2, to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain.

I have consulted leading ethicists, including the Catholic Health Association of Canada and the Care-in-Dying Coalition/Canadian Coalition Against Euthanasia, which comprises 30 organizations across Canada, advocating compassionate, just and respectful care for people who are dying.

Also, I bring my own experience to the consideration of this bill. In my personal life, I have had to make decisions and recommendations concerning the extension of medical treatment for loved ones who were dying. I know personally how agonizing the decision-making process can be for health care providers, as well as for family members.

In addition, it is important in such a legislative debate to state one's own personal convictions — that is, what one brings to the debate. I bring a deep conviction of the inherent dignity and

value of the human person. I believe all human beings are to be respected at every stage of life, from conception to death.

In brief, honourable senators, I oppose euthanasia and assisted suicide as incompatible with human dignity. However, I also recognize the legal rights of patients to refuse treatment and strongly support the need for widespread availability of adequate palliative care to control and relieve suffering.

Sickness, suffering and dying are an inevitable part of human experience. Dying can be a time of deeper self-awareness in which people freely and consciously affirm the meaning of their lives and not merely an inevitable process to which they must passively submit.

At the same time, advances in science and medical technology are dramatically improving our ability to cure illness, ease suffering and prolong life. These advances also raise ethical questions that society has never had to face. This is true of issues encountered in end-of-life care and particularly around life-sustaining treatment.

• (1650)

There are occasions when prolonging life by artificial means places onerous burdens on the dying person and his or her family. It is necessary to maintain a balance between two important obligations: the obligation not to intentionally kill someone and the obligation not to use life-sustaining procedures that would impose burdens out of proportion with the benefits to be gained from the procedure.

In this light, I find both positive and negative aspects in Bill S-2. I support the intent of the bill, which is to clarify the distinctions surrounding end-of-life decisions, especially the withholding and withdrawing of treatment when appropriate and the proper use of medications to alleviate pain.

It is both legal and moral for a health care provider to administer medication to alleviate the physical pain of a person suffering from a life-threatening condition, even if such medication might shorten the life of the person, provided that it is not the intention to cause death. Since the Senate has been informed that some health care providers are reluctant to provide sufficient pain control medication because of a fear they may be held criminally liable, the bill provides a positive step. The inclusion in the bill of a clause recommending that Health Canada establish national guidelines for the withholding and withdrawing of treatment, further promote and train professionals in controlling pain and palliative care, and conduct research that monitors frequency, is a further welcome step.

Having established the need to protect health care providers who sincerely want to alleviate the pain of their patients, we must ensure that this legislation, if passed, does not open the door to direct, legalized euthanasia. That is the concern expressed by the Campaign Life Coalition, which sees this bill as a first step toward creating a demand for assisted suicide.

Honourable senators, here is the dilemma we face as legislators. How can we be sure the medical treatment is intended to alleviate pain, even though it may shorten life? How can we be sure a patient is not coerced into accepting such medical treatment? Will such treatment become common in cases that are not life threatening? Are we, in short, weakening the integrity of life, which, as legislators, we must uphold, through our legitimate desire to ease pain?

These are questions that need a thorough airing by the Senate committee that would examine this bill if it passes second reading. In my view, the bill should go forward. The issue deserves our best effort to write good legislation for the benefit of all Canadians.

Although this bill does not amend the Criminal Code, it is my understanding that the bill is not intended to weaken the Criminal Code's prohibition of euthanasia and assisted suicide. However, the bill as presently drafted does not give us sufficient assurance that this is the case. This issue requires further probing and thought. It should be specified that the person the bill is talking about in clause 2 is a person "for whom death is imminent and unavoidable." It is not good enough to leave a person undefined, as clause 2 presently does. If it is the intention of the bill to ease the pain of a person in a life-threatening condition, let the bill state this clearly. At committee stage, I will propose the appropriate amendment for clause 2, with consequential amendments to follow.

Honourable senators, it should be remembered also that there are life-threatening situations that are not associated with imminent and unavoidable death. Many conditions are chronic and long-term, but not necessarily life threatening. A diabetic who goes into diabetic shock faces a life-threatening condition, but death is neither imminent nor unavoidable. As well, a person who might be termed "terminal", suffering a chronic or deteriorating condition, is not in a life-threatening situation in the way that the bill should make clear.

For now, I want to assert the principle that a person who is suffering from the imminent and unavoidable threat of death is entitled to pain relief, and the doctor or nurse who provides that relief is entitled to be free of prosecution. However, we must not open the door to the direct practice of euthanasia. We must ensure that there can be no misinterpretation of the true intent of the bill. I call on the Senate to be diligent in this matter.

Senator Carstairs, in replying to the question I addressed to her when she opened debate on second reading, quoted from the Catechism of the Catholic Church as follows:

Even if death is thought imminent, the ordinary care owed to a sick person cannot be legitimately interrupted. The use of painkillers to alleviate the sufferings of the dying, even at the risk of shortening their days, can be morally in conformity with human dignity if death is not willed as either an end or a means...

That quotation, honourable senators, is helpful, but let us remember that the quotation is prefaced by the statement that:

Whatever its motives and means, direct euthanasia consists in putting an end to the lives of handicapped, sick, or dying persons. It is morally unacceptable.

I am hopeful that, acting together, the Senate can write legislation that helps maintain both the dignity and rights of a patient whose death is imminent and unavoidable and the professional standards of a health care provider.

Honourable senators, this bill also gives us the opportunity to strengthen support for palliative care programs in Canada. Good palliative care is aimed at relief of suffering and improving the quality of life of persons who are living with or dying from advanced illness. Let us strengthen this growing need in Canada.

On motion of Senator Roche, for Senator Lavoie-Roux, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION REQUESTING AUTHORITY TO APPLY PAPERS AND EVIDENCE GATHERED ON EXAMINATION OF PREVIOUS BILL TO STUDY OF CURRENT BILL—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-17, to amend the Criminal Code respecting criminal harassment and other related matters, in the First Session of the Thirty-sixth Parliament be referred to the Committee, when and if it is formed, for its present study of Bill S-6.—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I believe that Senator Oliver is around somewhere, available to speak to this matter. I had indicated that I would yield to Senator Oliver.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, in the absence of Senator Oliver and given the hour, I suggest that the matter be stood until he is available.

Senator Cools: Honourable senators, shall we stand this matter in the name of Senator Oliver? I wish to move the adjournment, then, in his name.

An Hon. Senator: No.

Senator Cools: Someone has to do something with this matter or else it will collapse.

An Hon. Senator: Put it in your name, then.

Senator Hays: Honourable senators, the matter cannot be dealt with because Senator Oliver is not here. Senator Cools wishes to stand the matter.

Senator Cools: Honourable senators, I think Senator Oliver's leadership explained to him very carefully my understanding that I was yielding the floor to him.

Order stands.

COMMITTEE AUTHORIZED TO APPLY PAPERS AND EVIDENCE
GATHERED ON EXAMINATION OF PREVIOUS BILL
TO STUDY OF CURRENT BILL

Hon. Joan Fraser, pursuant to notice of November 17, 1999, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill C-69, to amend the Criminal Records Act and to amend another Act in consequence, in the First Session of the Thirty-sixth Parliament be referred to the Committee for its present study of Bill C-7.

Motion agreed to.

The Senate adjourned until Tuesday, November 23, 1999, at 2:00 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)
Thursday, November 18, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02							
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02							
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02							

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(HANSARD)

Tuesday, November 23, 1999

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, November 23, 1999

The Senate met at 2:00 p.m., the Speaker *pro tempore* in the Chair. [Translation]

Prayers.

SENATORS' STATEMENTS

THE LATE LAURENCE DECORE THE LATE DELIA GREY

Hon. Thelma J. Chalifoux: Honourable senators, in the past two weeks, Alberta has lost two citizens who made a difference and left a legacy of dedication and service, not only to Albertans but to all Canadians. Métis elder Delia Grey and past mayor of Edmonton Laurence Decore have both completed their sacred circles of life.

Delia Grey was born in northern Alberta in 1917, but raised in the St. Albert area. Laurence Decore was born in Vegreville, Alberta in 1940, and was raised in Vegreville, Ottawa and Edmonton. These two leaders followed different paths, but each, in their own way, contributed to the betterment of aboriginal people and the newcomers who came to this country to follow their dreams.

Laurence was a loyal member of the Liberal Party of Alberta and Canada who fought for the right and opportunity of all people to be included in our Canadian mosaic.

Delia was a loyal and dedicated citizen of the Métis Nation and Canada who worked tirelessly for the Métis and First Nations people so that they, too, could follow their dreams and be a part of the Canadian mosaic.

The many challenges these two individuals faced with courage are too numerous to mention in this statement, but I stand before you, honourable senators, to attest not only to the changes that came about because of the work of these individuals, but also to their lives of dedication and service to their fellow Canadians. Their wisdom, kindness and generosity will be missed by all whose lives they touched, but the legacy that they left us will live on in our children and in our history. We should celebrate their lives and how we have been blessed to have known them both. They will be missed.

REVIEWING CANADA'S FOREIGN POLICY

FIFTH ANNIVERSARY OF REPORT OF SPECIAL JOINT COMMITTEE

Hon. Jean-Robert Gauthier: Honourable senators, this month marks the fifth anniversary of the tabling of the final report by the Joint Committee on Canada's Foreign Policy. This report contained close to fifty recommendations on such broad issues as the contribution to sustainable development, reinforcement of common security and the renewal of international aid.

I wrote the Minister of Foreign Affairs, the Honourable Lloyd Axworthy, on November 2, requesting an update and report on the concrete steps taken by his department since the tabling of this report. I have as yet received no reply, but it would appear that fiscal consolidation has led to a considerable reduction in Canada's foreign aid to the developing countries. Whereas the committee recommended stabilization of government assistance to development at the level of 0.7 per cent of the GDP, that ratio has dropped from 0.45 per cent to 0.26 per cent between 1991 and fiscal year 1999-2000.

A second aspect dear to the committee was the promotion and dissemination of Canadian culture and knowledge. This was the first serious review of this aspect. Canada has come across as a kind of poor cousin, given the meagre investments its government has made in this area.

While awaiting a reply from the minister that will enable me to assess what the Department of External Affairs has done over the past five years, I wished to draw attention to the very serious effort the committee put into this report.

[English]

• (1410)

POLICY OF FORMER SOVIET UNION ON FORCING UKRAINIAN FARMERS INTO AGRICULTURAL COLLECTIVES

Hon. A. Raynell Andreychuk: Honourable senators, some 67 years ago, a terrible and very sad event changed the lives of the Ukrainian population forever. It was in 1932 and 1933 that Soviet leader Joseph Stalin, in an effort to force millions of independent Ukrainian farmers into collectivized Soviet agriculture, adopted, in his demonical ways, several tactics to install a political famine.

Measures were adopted such as raising Ukraine's grain procurement quotas by 44 per cent to create a drastic grain shortage, resulting in the inability of Ukrainian peasants to feed themselves; implementing an international passport system to restrict movements of Ukrainians travelling in search of food; killing anyone caught taking or hiding grain from a collective farm; persecuting thousands of Ukrainian intellectuals, writers and leaders; and attacking, with tanks and artillery, villages inhabited by defenceless farmers. Those are just a few of the horrible political measures taken by Soviet leader Joseph Stalin and his henchman Lazar Kaganovich to break Ukraine's will to resist.

Even though considerable efforts were made to hide or ignore the atrocities of this political famine, factual evidence has been gathered by recognized scholars to estimate the number of victims of the genocide at about 10 million people. Regrettably, the Western world, during the years of the Soviet Union, did not acknowledge or understand the magnitude of the genocide. With the acknowledgement of the present leadership in the Kremlin of this atrocity, it is an event in history that must be understood and commemorated.

This horror is poignantly described in a passage from a book entitled *I Chose Freedom* by Victor Kravchenko, a communist agent who was assigned to safeguard the new harvest. It reads as follows:

What I saw that morning was inexpressibly horrible. On a battlefield men die quickly, they fight back.... Here I saw people dying in solitude by slow degrees, dying hideously, without the excuse of sacrifice for a cause. They had been trapped and left to starve, each in his own home, by a political decision made in a far-off Capital, around conference and banquet tables. There was not even the consolation of inevitability to relieve the horror.

I know that senators in this chamber actively support the cause of human rights and the dignity and worth of all human beings. I therefore encourage you, honourable senators, to join the Ukrainian Canadian Congress and the Canada-Ukraine Parliamentary Friendship Group this evening to commemorate the victims of the Ukrainian famine genocide of 1932-33. You will have received notices in your office, but I remind you that the event will take place this evening at 7:30 in room 237-C, Centre Block. I am sure honourable senators will want to take advantage of this opportunity to acknowledge those who died in the famine.

[Senator Andreychuk]

ROUTINE PROCEEDINGS

[Translation]

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58 (1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, November 24, 1999, at 1:30 p.m.

The Hon. the Speaker pro tempore: Is leave granted, honorable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

CIVIL INTERNATIONAL SPACE STATION AGREEMENT IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-4, to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts.

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading on Thursday next, November 25, 1999.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY MEETING
ON MAY 21, 1999—REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the first report of the Canada-Europe Parliamentary Association concerning the Canadian delegation to the meeting of the Committee on the Environment, Regional Planning and Local Authorities of the Parliamentary Assembly of the Council of Europe held in Paris, France, on May 21, 1999.

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY MEETING
ON JUNE 18 AND FROM JUNE 21 TO 25, 1999—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the second report of the Canada-Europe Parliamentary Association concerning the Canadian delegation attending meetings of the Council of Europe Parliamentary Assembly's Economic Affairs and Development Committee at the Paris headquarters of the Organization for Economic Co-operation and Development on June 18 and the Parliamentary Assembly's plenary session in Strasbourg, France, from June 21 to 25, 1999.

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY MEETING
FROM SEPTEMBER 20 TO 25, 1999—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the third report of the Canada-Europe Parliamentary Association concerning the Canadian delegation that attended meetings of the Council of Europe Parliamentary Assembly's plenary session in Strasbourg, France, from September 20 to 25, 1999.

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY MEETING ON
AUGUST 25, 1999—REPORT OF CANADIAN DELEGATION TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the fourth report of the Canada-Europe Parliamentary Association concerning the Canadian delegation that attended the meeting of the Standing Committee of Parliamentarians of the Arctic Region held in Murmansk, Russia, on August 25, 1999.

• (1420)

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE

Hon. Joyce Fairbairn: Honourable senators, I give notice that on Wednesday next, November 24, 1999, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of agriculture in Canada; and

That the Committee report no later than June 29, 2001.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRESENT STATE AND FUTURE OF FORESTRY

Hon. Joyce Fairbairn: Honourable senators, I give notice that on Wednesday next, November 24, 1999, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of forestry in Canada; and

That the Committee report no later than June 29, 2001.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES AND TRAVEL

Hon. Joyce Fairbairn: Honourable senators, I give notice that on Wednesday next, November 24, 1999, I will move:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Joyce Fairbairn: Honourable senators, I give notice that on Wednesday next, November 24, 1999, I will move:

That the Standing Senate Committee on Agriculture and Forestry be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

ABORIGINAL PEOPLES

ROYAL COMMISSION ON ABORIGINAL PEOPLES—
NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY
RECOMMENDATIONS RESPECTING ABORIGINAL GOVERNANCE
AND TO APPLY PAPERS AND EVIDENCE OF PREVIOUS SESSION
TO CURRENT STUDY

Hon. Charlie Watt: Honourable senators, I give notice that on Wednesday next, November 24, 1999, I will move:

That Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the recommendations of the "Royal Commission Report on Aboriginal Peoples" (sessional paper 2/35-508) respecting aboriginal governance and, in particular, seek the comments of aboriginal peoples and of other interested parties on:

1. the new structural relationships required between aboriginal peoples and the federal, provincial and municipal levels of government and between the various aboriginal communities themselves;
2. the mechanisms of implementing such new structural relationships; and,
3. the models of aboriginal self-government required to respond to the needs of aboriginal peoples and to complement these new structural relationships;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the First Session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than December 16, 1999, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until December 24, 1999; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

QUESTION PERIOD

PRIVILEGES, STANDING RULES AND ORDERS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS
OF THE SENATE—SUBJECT MATTER OF MEETINGS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to Senator Austin, Chairman of the Standing Committee on Privileges, Standing Rules and Orders. In the *Journals of the Senate* for November 18, a motion was moved by Senator Pépin for Senator Austin, seconded by Senator Mercier, and I quote from page 128 of the Journals:

That the Standing Senate Committee on Privileges, Standing Rules and Orders have power to sit at 4:30 p.m. on Tuesdays, even though the Senate may then be sitting, from now until the end of December 1999, in order for the Committee to deal expeditiously with the questions of privilege...

Honourable senators, I received an agenda today. It was sent out with no name on it, but it is under the heading "Standing Committee on Privileges, Standing Rules and Orders," which is scheduled to meet today, November 23, at 4:30 p.m. The agenda has five items on it, four of which have nothing to do with a question of privilege. The authorization given by the Senate was to deal with questions of privilege only, even though the Senate may then be sitting. Could the chairman explicate this matter and ensure that the Senate instruction is followed in his committee?

Hon. Jack Austin: Honourable senators, the agenda for the committee meeting was issued by the clerk of the committee, and I did not have the opportunity to see it until noon today. I provide my assurance to the house that we will deal with the question of

privilege submitted by Senator Andreychuk as the first order of business and the question of privilege submitted by Senator Kinsella as the second order of business.

However, I had hoped that we could take 30 seconds of the business of the committee this afternoon to authorize the waiving of fees with respect to the application of the Moravian Assembly. This is an item in which there is no difficulty for any member of our committee. The Moravian Assembly paid its fees in the last session and wishes to consider those fees paid. They do not want to be forced to pay twice because there are two sessions of this Parliament. If there is no objection to that particular step, it will take less than a minute of the committee's time this afternoon. The committee will then be free to deal only with the questions of privilege before returning to the house for further direction.

LABOUR

PLIGHT OF THE HOMELESS—GOVERNMENT POLICY

Hon. Erminie J. Cohen: Honourable senators, my question is directed to the Leader of the Government in the Senate. It concerns reports that the cabinet is now looking at a proposal to spend \$1.2 billion, or \$200 million per year, to fight homelessness. Last spring the government gave the Labour Minister a mandate to find a solution, and she was supposed to derive a strategy within a month. That was last spring. Winter will soon be upon us. Can the government leader advise the Senate as to when exactly cabinet is prepared to move a plan to deal with homelessness and to put it into action?

Hon. J. Bernard Boudreau (Leader of the Government): I thank the honourable senator for that question. Obviously, this is a problem of serious proportion across the country, one to which the government has given much attention. The minister in question has travelled from one end of this country to the other in an effort to bring the government to the people and to receive their views in fulfilment of her mandate.

As honourable senators will know, in order to deal effectively with the problem, it is very likely that additional resources will be required. The determination of those resources will proceed as part of the normal budget process.

Senator Cohen: Honourable senators, I am well aware of the many miles the minister has travelled across this country. I wish to remind honourable senators that the need is now, before the snow flies. Why is there no plan in place now, in November, to help provide shelter for this winter?

Senator Boudreau: I do not want to leave the impression with honourable senators that there will be no measures coming forward this winter. It is my understanding, honourable senators, that at this point it is an important subject, which has been brought forward by the Minister of Labour, and I expect there will be more to announce shortly.

FISHERIES AND OCEANS

MARITIME PROVINCES—CLARIFICATION BY SUPREME COURT OF ITS DECISION UPHOLDING NATIVE FISHING RIGHTS

Hon. Gerald J. Comeau: Honourable senators, my question is to the Leader of the Government in the Senate and relates to the *Marshall* case. The minister will recall that there was quite a bit of confusion as a result of the original decision. In spite of the clarification, Indian Affairs Minister Robert Nault stands by his contention that the native treaty rights extend to natural resources. The Leader of the Government in the Senate will know the consequences of such a decision or position. Would the minister indicate to this house if this is the government's position as well?

• (1430)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I believe the Supreme Court's clarification has been regarded by most parties as helpful. The Supreme Court's clarification of one of its own judgments is, as I understand it, quite rare. To the extent that the court saw fit to make the clarification, it was very helpful.

As I read the clarification, the court wanted its judgment to apply to the issues at hand and was not prepared to extend its opinion in other directions. I do not know that it precluded those other directions. The court simply said that this judgment cannot be extrapolated beyond the specific circumstances to which it applies.

At this point, the government is acting on that judgment, and hopefully ongoing discussions will be assisted by the clarification and will produce positive results.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

MARITIME PROVINCES—CLARIFICATION BY SUPREME COURT OF ITS DECISION UPHOLDING NATIVE FISHING RIGHTS— COMMENTS BY MINISTER

Hon. Gerald J. Comeau: Honourable senators, the Leader of the Government in the Senate will know that Minister Nault has tried to get himself into the process and raise his profile nationally by perhaps — and I want to choose my words carefully — insinuating himself a little too much. Given that he has left the impression that cabinet is behind the notion that the ruling extends the right to many other national resources, and given that the minister sits at the cabinet table, he might wish to point out to his cabinet colleagues that this Doug Young clone should be reined in and made to toe the cabinet line. Difficulties in Atlantic Canada will develop if this clone — and I use the word carefully — continues on this path of destroying Atlantic Canada's resources.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I hope Senator Comeau will forgive me if I

convey his general feeling in somewhat more moderate terms to the minister.

I did not hear his comments directly, but perhaps this is what the minister was referring to, that the whole aboriginal issue is wider than one specific resource area.

I believe that the Supreme Court clarification has proven to be helpful in resolving what is a very immediate issue in the fishery. Therefore, I look forward to a resolution of the problem as the government representative in the area meets with the various interests in the fishing community, including aboriginal representatives in Atlantic Canada. Hopefully this can be a precursor to the resolution of other outstanding aboriginal issues.

FOREIGN AFFAIRS

SUDAN—INVOLVEMENT OF TALISMAN ENERGY INC.— GOVERNMENT POLICY ON HUMAN SECURITY AGENDA VERSUS INTERESTS OF INVESTORS

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate. It is a continuation of a question I asked the honourable minister last week about Talisman Energy Inc. of Calgary.

As of this morning, continued media coverage of this situation has revealed that Talisman shareholders, specifically a group representing church, pension and investment funds, have been pressing the company for over a year to examine the social and economic implications of their presence in the Sudan. In a commentary piece for *The Globe and Mail* today, Tim Ryan, a Catholic priest and long-time Talisman shareholder, talked about efforts to have the energy company, as well as all corporations in Canada, take on the role of responsible economic actors and adopt a corporate human rights code.

Is the government prepared to protect the interests of Canadian shareholders should the belated fact-finding mission reveal that the presence of Talisman Energy Inc. in the Sudan is directly contributing to human rights abuses in that country?

Hon. J. Bernard Boudreau (Leader of the Government): I thank the honourable senator for his follow-up on that subject. As I indicated last time, further investigation is underway, and I hope to be able to report on the matter when all the information is available. I certainly undertake to do that.

In regard to the Government of Canada taking action to protect shareholders, I am not sure what the honourable senator has in mind. If he were to give me a little more detail on what he considers appropriate, I would be in a better position to respond.

Senator Oliver: In *The Globe and Mail* article, Mr. Ryan quoted the president of Talisman as saying, "Why us?" In response, Mr. Ryan indicated that a group of the shareholders said that the answer to his question was:

...that what we ask of Talisman we try systematically to ask of all corporations: a comprehensive code of conduct that includes recognized human rights, social, environmental and labour standards, appropriate benchmarks against which to set such commitments and a credible auditing system to measure corporate performance.

Senator Boudreau: With respect to the company itself, I indicated previously to honourable senators that should the investigation confirm serious allegations, then obviously action will be contemplated against the particular company in question or any other company that finds itself in that situation.

With respect to what specific action might be undertaken by the Government of Canada on behalf of individual shareholders in terms of protecting their financial interests or directing the company to take certain actions respecting the shareholders themselves, I am still unclear as to the honourable senator's suggestion.

Senator Oliver: The shareholders have said that a number of things they wish to see by way of human rights protection and other protections are already enshrined and embodied in such internationally and universally endorsed covenants as the Universal Declaration of Human Rights, the Geneva conventions, International Labour Organization conventions, and the UN Convention on the Rights of the Child. They are asking that these conventions and declarations be enforced, to all of which Canada is a signatory.

Senator Boudreau: With respect to the actions of any company, we must insist upon certain standards of behaviour. The allegations raise serious questions as to whether this company met those standards. If they do not meet those standards upon investigation and report, then the government would contemplate action with respect to the company.

The shareholders may wish to give direction to management. Obviously the shareholders in any private sector company are a powerful group, and management will ignore them at their peril. I believe it is perfectly legitimate for the shareholders to proceed with that process. Whether or not individual shareholders decide to give certain directions to the board, the Government of Canada plans to complete its investigation and will consider appropriate action with respect to the company based on the outcome of that investigation.

FINANCE

GOVERNMENT POLICY ON RAISING INTEREST RATES

Hon. David Tkachuk: Honourable senators, interest rates have slowly moved upwards over the past few months as the

Bank of Canada attempts to keep inflation in check. Six years ago, on September 23, 1993, *The Globe and Mail* reported Liberal Leader Jean Chrétien as saying that a Liberal government would tell Bank of Canada Governor John Crow to pay greater attention to job creation and not be fixated on inflation. Asked what he would do if Mr. Crow disagreed, Mr. Chrétien replied, "I'm telling you, he's an official of the government."

• (1440)

My question is: If interest rates continue to rise, is it the intention of the Prime Minister to stand by comments he made on the election trail prior to 1993 and tell the Governor of the Bank of Canada not to be fixated on inflation, or is it his intention to respect the traditional independence of the governor?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the record of this government has been to respect the role of the Governor of the Bank of Canada. In so doing, we must commend Governor Thiessen. I think he has done a remarkable job in seeking the appropriate balance. The magic in the actions of the governor of a central bank is to find the appropriate balance in a given set of circumstances. He has done that quite well and, on occasion, under great duress. When events in other parts of the world were flying in all directions, he was able to keep our fiscal course steady and, in fact, helped create an environment which allowed our economy to grow and continue to grow at a remarkable rate. Our growth rate has been almost without parallel in any of the major industrial countries.

Senator Tkachuk: Honourable senators, I take it, then, that we should take the Prime Minister's comments about the Governor of the Bank of Canada with the same amount of believability as his comments on the GST.

Given what the leader has said about Governor Thiessen, and respecting the independence of the Bank of Canada and what the leader of the Liberal Party said in 1993, I should like to ask: How do the policies of Governor Thiessen differ from those of Governor Crow?

Senator Boudreau: Honourable senators, I was not actively involved during the time of Governor Crow, but striking a balance is different in every circumstance. Determining whether or not an interest rate is appropriate will very much depend on how the economy is performing at the moment. If the economy is performing well — that is, if you are in an expansionary period — then, perhaps, a different interest rate to what you might experience in a recession is appropriate. The economy has been growing at a rate of almost 4 per cent real growth over the last four quarters, and it is predicted to continue with aggressive growth. We have probably the second highest growth of any country in the G-7 next to the United States, and certainly in the industrial world.

Honourable senators, I cannot comment on the propriety of certain interest rates at certain times. I leave that to the Governor of the Bank of Canada. I think he is doing a remarkable job.

[Translation]

INTERGOVERNMENTAL AFFAIRS

QUEBEC—POSSIBLE CONDITIONS ON REFERENDUM—GOVERNMENT POSITION

Hon. Jean-Claude Rivest: Honourable senators, I would like to know the federal government's intentions with respect to the holding of the next referendum in Quebec — hoping there will not be one. Could the minister inform this house of the decisions taken by the federal government in this regard?

[English]

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, obviously, it is not in the interest of this government to encourage another referendum. However, there are certain principles which are generally agreed upon by most Canadians and by members of this government and, probably, by most senators.

First, should there be a referendum at any time in the future, clarity will be a real issue. There must be clarity in terms of the question and in terms of the result. That opinion is shared not only by the Senate but also by most Canadians. It is specifically referred to by the Supreme Court in its decision. In fact, clarity formed an extremely important part of its decision.

The other element on which most Canadians agree, and, this forms part of the government's position, is that the Parliament of Canada should be involved. Separation is not an issue for any one province. It is an issue in which we and other parliamentarians need to be involved. The exact mechanics of those principles are a matter of ongoing discussion. However, clearly, first, the issue of clarity must be paramount, and second, it is an issue for the Parliament of Canada and the people of Canada and not just for one province.

[Translation]

Senator Rivest: When the minister says the Parliament of Canada must be involved, does he mean the House of Commons and the Senate? In his mind and that of the government, is the government's involvement in the terms of referendum process itself on the clarity of the question and the majority required? What is the minister's opinion?

[English]

Senator Boudreau: Honourable senators will have views to express on their positions, which will be an important part of any such process. The Supreme Court has indicated quite clearly that the issues of clarity, as they surround the question and the consequences, are clearly issues in which the federal government and all provincial governments should be involved.

[Translation]

Senator Rivest: Originally, in the drafting or formulation of the question and in the majority that might be required.

[English]

Senator Boudreau: Honourable senators, perhaps on both issues, clarity is important.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am now hearing something new. The minister, on behalf of the government, is telling us that the Parliament of Canada will have a say in the phrasing of the question and in the decision determining the percentages. In effect, both Houses of Parliament will contribute to the referendum process should Quebec decide to hold a referendum.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the Honourable Leader of the Opposition carries my comments a little further than they necessarily apply. I said that the Government of Canada must be involved as the Supreme Court directs.

When I say "the Government of Canada", I also include the Senate in that description. On the question of clarity, I suggest that the Government of Canada and the province in question will be involved in discussions. Indeed, governments of other provinces that are not directly involved should be part of the discussions. The precise nature of how that should be done will probably be determined as we move forward over the next weeks and months. However, at this time, I would not be prepared to indicate in detail the precise nature of that involvement.

Senator Lynch-Staunton: With all due respect, the Supreme Court of Canada did not direct the Government of Canada to do anything nor did it give a decision. The Supreme Court gave an opinion that went beyond the three questions that were referred to it by the Government of Canada. The minister here is stating government policy, which has been discussed and is subject to controversy. I am hearing that, to whatever degree, we can expect parliamentary and government intervention in the process leading up to a referendum on the question of Quebec's future either within Confederation or outside of it, should it ever be held.

Senator Boudreau: Honourable senators, I can assure the honourable senator that the present Government of Canada will not stand by and allow a referendum process to proceed without involvement in, or comment on, the nature of the question.

• (1450)

NATIONAL DEFENCE

1994 WHITE PAPER—GOVERNMENT POLICY

Hon. J. Michael Forrestall: Honourable senators, my question is to the Leader of the Government in the Senate. Does the defence white paper of 1994 remain the definitive statement on the government's position with respect to defence matters?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, if there are specific elements which the senator wishes to confirm as still being policies of the government, I would be happy to get that information for him.

Senator Forrestall: Honourable senators, like my leader, I am reading into the minister's statement that there have been changes in the defence policy of Canada which have gone unnoticed. I would say modestly that I follow that policy reasonably closely. The leader can consult his colleague to his left if he thinks I am joking.

Let us assume then that there have been changes since the policy was released five years ago. I quote from pages 46 and 47 of that document:

Work will, therefore, begin immediately to identify options and plans to put into service new affordable replacement helicopters by the end of the decade.

The end of this decade is five weeks away. The white paper was published about five years ago. Where does Canada stand on the question of helicopter replacement? Has the policy been changed? Is that not the position of the Government of Canada?

Senator Boudreau: Honourable senators, the process of replacing helicopters used for search and rescue has already begun. The contracts are underway. We hope to have the new helicopters in place within a reasonable period of time.

With respect to the Sea Kings in which the honourable senator is particularly interested, I can only repeat what I have said in the past. It remains a top priority for the Minister of Defence. He is carrying the file forward, and we hope to have something to report in the near future.

REPLACEMENT OF SEA KING HELICOPTER FLEET

Hon. J. Michael Forrestall: Honourable senators, some time ago the statement-of-requirement stage was completed. Indeed that stage was completed before the cancellation of the EH-101. We have now heard that the statement of requirements is at hand. Does that mean the government is about to call for proposals and to issue that statement of requirements? If that statement were in the public domain, we could learn what is needed and when it might be expected.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, we know from information which Honourable Senator Forrestall has brought to the Senate that some work has proceeded on the Sea King replacement program. That is further evidence that the Minister of Defence has placed this item at the top of his agenda and will make a final decision as soon as possible. As I have indicated, I will communicate any decision to the Senate as soon as I am able to do so.

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, the 30-minute period for questions is now over. Is there leave to continue, honourable senators?

Hon. Senators: Agreed.

[English]

VETERANS AFFAIRS

STUDY OF HEALTH FACILITIES— INFLUENCE OF SENATE SUBCOMMITTEE REPORT

Hon. Consiglio Di Nino: Honourable senators, my question is to the Leader of the Government in the Senate. Earlier this year, the Standing Senate Committee on Veterans Affairs prepared and delivered an exceptionally good report on the health of veterans. The report was roundly applauded and supported not only by honourable senators but by others outside this place.

We now understand that Mr. Baker, Minister of Veterans Affairs, is undertaking a similar study on the same subject. Is that a reflection of the minister's opinion on the fine work done by the Senate committee, or is it just that the department has too much money and it wants to spend more of the taxpayers' hard-earned dollars on a redundant study?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the minister is well aware of the good work done by the Senate committee. Presumably that report will form part of the material upon which he will make his necessary decisions. Obviously, he feels the need to generate a new initiative by his department, but I do not think we can conclude in any way that, in doing so, he does not value the work done by the Senate.

Senator Di Nino: Honourable senators, the Leader of the Government in the Senate alludes to the fact that Minister Baker may have seen the Senate report. Is it a fact that Minister Baker has seen the report and, if not, would the leader ensure that a copy is placed on Minister Baker's desk first thing tomorrow morning?

Senator Boudreau: Honourable senators, I will certainly undertake to speak to Minister Baker in connection with the report. If he does not have a copy as yet, I will deliver one to him at the earliest possible moment.

FOREIGN AFFAIRS

KOSOVO—GOVERNMENT AID

Hon. Nicholas W. Taylor: Honourable senators, I have a question for the Leader of the Government in the Senate. Winter will soon arrive in Kosovo as it will here. We have spent hundreds of millions of dollars helping to destroy the superstructure in Kosovo. Starvation, cold and lack of electricity are endangering many people. What does the Canadian government intend to do to assist with providing food and warmth to both sides of the conflict in that tormented part of the world?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the Government of Canada is committed to assisting in Kosovo with humanitarian aid and economic assistance. In fact, the full amount of the assistance recently announced totals approximately \$180 million.

On October 30, \$65 million worth of assistance was announced to be disbursed through CIDA; \$35 million for humanitarian aid, \$10 million in economic assistance, and then a further \$20 million as support for emergency peace-building and rehabilitation. On November 1, a further \$112 million in assistance was announced; \$40 million from CIDA; for economic assistance, \$15 million; for supporting a secure environment and building peace through CIDA, \$25 million; for community-based rehabilitation, \$20 million; and the Canada Regional Training Support Project will get another \$12 million. Finally, on November 17, an additional \$3.7 million was announced for humanitarian assistance, economic assistance, and the International Organization for Migration.

A significant effort of some \$180 million has been directed to that area already, and this may or may not be sufficient. The Government of Canada remains committed to assisting the process. We will follow the situation on an ongoing basis.

• (1500)

Senator Taylor: Honourable senators, is the government considering sending some of our food surpluses, for which our farmers are not receiving adequate compensation, to more needy areas of the world?

Senator Boudreau: Honourable senators, to the best of my knowledge that has not been included in any of the existing programs that I mentioned. However, I will certainly raise it with the minister.

PAGES EXCHANGE PROGRAM WITH THE HOUSE OF COMMONS

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to welcome a page from the House of Commons who is participating in an exchange with the Senate. Her name is Cynara Corbin. She is from Dollard-des-Ormeaux, Quebec, and she is studying criminology in the Faculty of Social Sciences at the University of Ottawa.

ORDERS OF THE DAY

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Lewis, for the second reading of Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

Hon. Wilbert J. Keon: Honourable senators, I wish to take this opportunity to provide a few brief remarks concerning Bill C-6. This bill is an extremely necessary piece of legislation, which I support with great enthusiasm and some concern. Therefore, I feel it necessary to make a few brief remarks concerning the bill before it progresses to committee.

Our capacity to collect, store, merge, transfer and access information has accelerated greatly in recent years. The net result is that information of all kinds is flowing across the country and, indeed, around the globe more quickly and more freely today than ever before. While there are clearly a number of advantages arising from the expansion of our capabilities in this area, the issue of collecting, disclosing and accessing information also raises a number of concerns related to the privacy and confidentiality of the information being collected.

Honourable senators, it is clear that one of the main objectives of Bill C-6 is to protect personal information held by the private sector and, in essence, to catch up with the pace of technology. The Privacy Act has protected personal information in the federal government's hands since 1982. Provinces have comparable legislation. However, the same is not true of information collected by the private sector. In this respect, the bill is long overdue.

We must not move hastily without carefully considering the full implications presented by this bill. There is no area where privacy and confidentiality of information is of greater concern than that pertaining to personal health information. The public's perception and concerns regarding the collection and treatment of health information are well known but are worth noting here as a context to the concerns I wish to raise about the bill.

First, patients believe that their health information will be kept confidential. Second, patients believe that it is important to know and to control how their health information is shared by others, and do not want information released to third parties without their knowledge and consent. Third, patients may be reluctant to confide information to health professionals as a result of concerns related to its use or disclosure.

Clause 2(1) of the bill defines personal information as any information about an identifiable individual, other than the name, title or business address or telephone number of an employee of an organization. Accordingly, information concerning the health or treatment of an identifiable patient, and information concerning the provision of health care by an identifiable individual health care provider are, by definition, to be considered personal information.

Honourable senators, the Canadian Medical Association, the Canadian Dental Association, and other health professional associations have voiced serious concerns about the negative impact that Bill C-6 could have regarding the issue of personal information and other critical activities connected with the health system. As honourable senators know, the bill is designed to support and promote electronic commerce by protecting personal information that is collected, used or disclosed "in the course of commercial activities." It was not developed with the health system in mind. Indeed, I believe that, in the minds of many people, the health care system was excluded during the drafting of this bill. As a result, the degree to which the health system would be affected or impacted by the bill are unclear.

Although the bill focuses on commercial activity, it is clear that this activity cannot be distinguished from health care activity in a way that will ensure that health records are subject to different rules than those pertaining to other records. The broadly worded scope of Part 1 of the bill, and its application to health care providers who operate a business whose primary purpose is health care delivery, is of particular concern. To what extent is the bill applicable to health facilities, both profit and non-profit facilities? When health care information is collected in a health care setting and is transferred to a commercial setting, such as an insurance company, do the rules of Bill C-6 apply? How will the processing of data for the purposes of preventive medicine, medical diagnosis, medical research, the provision of care or treatment, and the management of health care services be impacted by the bill?

Honourable senators, let me be specific. I believe it is imperative that Bill C-6 be clarified to address four important issues. First, Bill C-6 must include a clear definition of the information being accorded a right of privacy. As I have already noted, while the focus of the bill relates to the commercial realm, it does not distinctly clarify the extent to which health information would be impacted. For example, clause 4(1)(a) asserts that the bill applies to every organization in respect of personal information that the organization collects, uses or discloses in the course of commercial activities. The issue of what constitutes commercial activity is not clearly defined. There seems to be an assumption that this automatically excludes health records. However, there is no clarity as to where a commercial activity ends and health care begins. In addition, there are no

guidelines governing the movement of health information from the health care setting to the commercial setting.

Second, Bill C-6 fails to protect health information. Rules relating to health information must be developed in recognition of its special nature. In particular, the bill must be clarified and amended as required to incorporate specific rules relating to health information, rules that will place strong emphasis on the protection of privacy and that will ensure that the flow of health information is on a need-to-know basis and only under the control of the patient through informed consent. Furthermore, any definition related to the collection and use of health information should include identifiable information, de-linked information, anonymous information and any composite form produced when information is linked to any information about a person or any other source.

• (1510)

In addition, let me point out that a recent report released by the National Advisory Council on Health Info-structure clearly emphasized that any legislation respecting the privacy and protection of health information "should contain a clear prohibition against all secondary commercial use of personal health information."

Third, not only should Bill C-6 include specific provisions relating to health information, but also it is important that these provisions be applied equally to both the public and private sectors. It is my recommendation that these provisions be based on the framework provided by the Health Information Privacy Code developed and adopted by the Canadian Medical Association. This code could form the basis of legislation governing the collection, use and disclosure of health information.

Fourth, Part 2 of Bill C-6 fails to provide the purposes for which electronic data relating to health care and medical records would be used. Furthermore, there are currently no rules that exist, thereby leaving such activity open to abuse.

Honourable senators, I ask for your support in ensuring that these concerns be addressed before Bill C-6 progresses any further. The government has an opportunity — indeed, an obligation — to provide Canadians with strong privacy rights with respect to health information. At the same time, there is a vital interest to protect the ability to transfer data for legitimate health care purposes and to promote better management and greater integration of our health care system.

Consequently, Bill C-6 is an important and necessary piece of legislation. It is, however, essential that we ensure that it effectively answers the concerns voiced by members of the health care community. Therefore, I believe we should try to be helpful to the government in committee by adopting changes to this bill, adjustments that would make it an even better bill than it is.

On motion of Senator Kinsella, debate adjourned.

INCOME TAX CONVENTIONS IMPLEMENTATION BILL, 1999

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Robichaud, P.C. (*L'Acadie-Acadia*), for the second reading of Bill S-3, to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a number of questions on the bill itself; however, I can keep those for the committee hearings. I do wish to point out to honourable senators a country covered by this treaty whose conduct raises questions regarding the propriety of Canada dealing with it. Therefore, I hope that tomorrow, or whenever the bill is in front of our Banking Committee, there will be in attendance senior officials from Foreign Affairs who can best answer questions regarding all countries involved. The country I am referring to is Uzbekistan, which is one of the former Soviet republics in Central Asia.

In a communiqué dated as recently as October 20, Human Rights Watch:

...has independently documented a pattern of political arrest, detention and harassment of family members of political activists and religious dissidents during the past six months. There is also a wealth of credible evidence that police routinely plant small amounts of narcotics or ammunition on persons whom they arrest for their political or religious affiliation.

The executive director of Human Rights Watch for Europe and Central Asia said:

The Government of Uzbekistan professes to be preparing for free and fair elections but at the same time it is locking up the opposition's family members and throwing away the key. This is no way to achieve democracy.

In another release the same day, Human Rights Watch said:

Schools and universities throughout Uzbekistan are closing their doors to Muslim men with beards and women in headscarves.

It indicates that:

The Government of Uzbekistan is assaulting religious freedom from all sides. The expulsion of Muslim students is yet another aspect of this campaign.

If that were not enough, the Government of Canada, in its own briefing notes on the bill, says that:

Uzbekistan has among the worst human rights records in the former Soviet Union. Detention and torture of opposition figures and their families is commonplace. Most foreign journalists have left the country under duress.

One of the reasons for these tax treaties is to protect Canadian citizens living and working abroad from double taxation. The question, however, is whether we want a tax treaty with such a country as Uzbekistan, particularly as there is no significant, if any, Canadian involvement there. Again, according to the government's briefing notes, Canada has only minor commercial interests in Uzbekistan. Total trade was \$18 million in 1998. There is no major Canadian investment in the country. No Canadian companies have production operations in petroleum and mining, which seems to be the main attractions there. Those exploring the opportunities cite the Uzbek business environment as their principal reason for staying away.

The same notes go on to say that Canadian high-tech companies that have made sales in Uzbekistan have experienced problems repatriating foreign currency from the area. It is not exactly one of the great potential areas for Canadian investors, by the experience to date.

Where there has been a repressive regime that has no intent of instituting a minimum of democracy, Canada has always taken a position, either through sanctions or some sort of boycotting. Since there is so little, if any, Canadian involvement in Uzbekistan, I see no reason why we should go through with this treaty at this stage. I hope that these views can be challenged at the committee stage, or at least that they will be entertained, because unless I can be shown the necessity for having the treaty in place, for example, that without it the tax status of a number of Canadian citizens would be jeopardized, I think it would be appropriate to move an amendment to remove that treaty from the bill and put it aside for as long as needed. Perhaps the regime there will understand that Canada is serious when it stands up for human rights and democracy and is not just parroting someone else's words.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, Senator Hervieux-Payette is not here today. This bill was moved by her. I am not sure if any other honourable senator wishes to speak on this matter; if so, I would not wish to interfere with that desire. However, if no other honourable senator wishes to speak, I would move to refer the bill to the Standing Senate Committee on Banking, Trade and Commerce.

Hon. Consiglio Di Nino: May I ask a question? We have had a number of these bills before. I recall that, as late as several months back, we had a similar bill, which was dealt with by the Foreign Affairs Committee. A number of issues, separate and apart from the issues raised by Senator Lynch-Staunton, were also raised at that time. Why is this bill going to the Banking Committee instead of to the Foreign Affairs Committee, as seems to have been the case with previous tax treaty bills.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I think we are out of order here, honourable senators.

Hon. P. Derek Lewis (The Hon. the Acting Speaker): Honourable senators, before we get to that point, we should pass second reading.

Senator Hays: I think we should hear from the Deputy Leader of the Opposition.

Senator Kinsella: I will make it simple and move adjournment of the debate.

• (1520)

Senator Hays: Honourable senators, in order to clarify the status of matters before the house, I, with leave, withdraw any motion I might have made in my remarks to move or refer the bill to committee. Therefore, we can clear the way for Senator Kinsella's motion to adjourn the debate.

On motion of Senator Kinsella, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Furey, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-sixth Parliament.—(4th day of resuming debate)

Hon. Sharon Carstairs: Honourable senators, I have now had the pleasure — well, I must say, mostly pleasure — of listening to 11 Throne Speeches, either provincially or here in the Senate. Whether they were here or in my home province of Manitoba, they have all had one similar characteristic. They have all been a bit vague. We must realize that this is the nature of a Speech from the Throne. They tend to be long on rhetoric and short on details. I have always had a certain compassion for the Governors General and the Lieutenant Governors who are put in the situation where they must read these particular speeches.

In this Speech from the Throne, however, there were moments in which I personally was deeply touched because it set a new agenda — a children's agenda. It is very fitting that I speak to this today because this past Saturday, November 20, as our colleague Senator Callbeck told us last Thursday, we celebrated National Child Day.

As honourable senators know, in 1993 the Government of Canada designated November 20 as National Child Day to commemorate two historic United Nations events: the adoption of the Declaration of the Rights of the Child on November 20,

1959, and the adoption of the Convention on the Rights of the Child on November 20, 1989.

The youth of today are the leaders of tomorrow. To ensure that our children receive the best possible start in life, we require an investment in that future and in their future now. Scientific evidence and research show us that a child's early development is crucial to their success as adults. As we move into the new millennium, we must ensure that our children are outfitted with the skills and advantages that they need to ensure a healthy and prosperous society. Children need our love, support and encouragement, but they also need educational opportunities. They need the basic necessities of life.

Earlier this afternoon, I was reading a speech from Senator Gill on aboriginal people in this country. Here is a group of children who, tragically, often do not have the basic necessities of life.

In 1989, an all-party resolution was passed by the House of Commons calling for the eradication of child poverty by the year 2000. As Senator Cohen knows well, it is now November of 1999 and, sadly, we are actually further behind than we were in 1989. However, with this Speech from the Throne and the upcoming budget, I hope legislators will begin to make good on that promise. Obviously we will not succeed for the year 2000, but hopefully we will begin the millennium right.

Poverty affects all aspects of a child's development, both short-term and long-term. It begins in the womb with a lack of appropriate prenatal nutrition, extends throughout the child's formative years, and affects all aspects of the child's growth and success. A child who is not getting even the basic necessities of life — food, shelter and adequate clothing — cannot be expected to learn and to prosper.

Increasingly, provincial welfare programs are encouraging recipients across this country to take on paid work. I am not opposed to people getting work if it is appropriate to them. I believe it is good for their own ego and personal development. However, if in forcing them into the workplace we have not provided for the adequate care of their children, then who have we benefited?

I know whom we have hurt. We have hurt children. These families just become more statistics, and we know them as the working poor instead of welfare recipients. We must ensure that the quality of care for these children is fundamental in our planning.

Nowhere in Canada are minimum wages high enough to allow even full-time workers to escape poverty. According to a recent report by the National Council of Welfare in the City of Winnipeg, in 1999 a single parent with one child would need to work 80 hours a week to simply get to the poverty line at a minimum wage job. In Winnipeg, a two-parent family with two children would need to work 118 hours a week to reach the poverty line. Honourable senators, there are only 168 hours in a week.

The Child Tax Credit, which was a marvellous plan introduced by this government, was unfortunately interpreted by some provinces as a system that allowed them to deduct from welfare payments. While it benefited the working poor, it did not enhance the income of those living on welfare.

Children need their parents in all of their years. Some of us even wonder if our adult children do not continue needing us, but they particularly need us in their formative years. That is why programs such as Aboriginal Head Start, the Canadian Prenatal Nutrition Program and the Community Action Program for Children have all been essential in laying the groundwork for the long-term, healthy development of children. That is why I was very pleased to see the seven undertakings in the Speech from the Throne concerning children: increased maternity and parental leave benefits; a federal-provincial agreement on more support for early childhood development; more after-tax money in the hands of families; more family friendly workplaces, especially in the federal government; modernization of family law; a third significant investment in the National Child Benefit; and strengthened learning opportunities through an expanded SchoolNet.

This is not in my speech, honourable senators, but if I was helping Paul Martin draft the budget, I would put all of the tax cuts in the hands of poor working families

All of these, honourable senators, are very positive initiatives. The proof will be in the pudding as to whether these initiatives come to be fact and whether the fact translates into positive changes for our children.

• (1530)

In particular, the Speech from the Throne announced improved parental leave for parents, through extending and making more accessible Employment Insurance benefits for parental leave. This is a very good thing, although I must add something because of my concerns with palliative care. Senator DeWare was present, along with many other senators, last week when we heard a very poignant speech that indicated that perhaps we should also be considering leave for those who are caring for their dying loved ones. Indeed, in the future, we might want to study changing EI for that purpose as well.

For the moment, however, let us concentrate on the extended parental leave for parents. Although the initiative is a very positive one, I hope that, when the government examines this program, they understand that today's parents are willing to share that responsibility. It is not only the mothers who will access this leave. This is a marvellous opportunity for fathers to access this leave as well. However, under current EI legislation, if a mother and a father were both to share parental leave, each would serve a two-week waiting period. That is unfortunate, because I for one

would like to see more fathers in this country taking control of the home situation, even for short periods of time.

On a personal note, I know that when I spent six weeks in hospital at the time of the birth of my second child, my older child, who was not able to visit, and her dad became extremely close because he became her principal caregiver. I must say that one of the notes of interest — and I think it was something that made her dad her favourite rather than her mother — was that, when the cart came around every afternoon I would buy my older daughter a chocolate bar, I would write her a story letter, all done in pictures because she was only three, and I would send those things home with her dad. I did not know for some time after I returned home that they were, in fact, eating the chocolate bar together before breakfast, on our bed. Never mind; that special moment in the lives of my husband and our first child was one in which bonding took place, and that bonding is still extremely tight.

Early childhood development is critical to ensure good outcomes for children, both in the long term and in the short term. Children who have good early childhood experiences have better school grades, better self-esteem and better social skills. Later in life, they have better employment, fewer social problems and fewer health problems. They are less likely to be teen parents, will use fewer drugs and are less likely to be involved in crime.

Does that really surprise us? Let us take a typical five-year-old girl or boy who is entering kindergarten. This may be their first or second experience at school. In terms of children from a middle-class family or even a poorer family with excellent parenting skills — yes, they do exist out there — those children will go off to kindergarten knowing their name, knowing where they live, knowing their telephone number, knowing their letters, knowing their colours, knowing their numbers. Those children are right at a pivotal moment where learning can take place, and the most critical learning at that age is learning to read. Compare that with children who do not know their numbers, do not know their letters, and do not know their colours. Immediately, from the very moment when schooling begins, one group of children is at a disadvantage compared to the other group of children. That is why early childhood intervention is so critical if we want to turn around the opportunities for these children.

One study that I recently read indicated that 28 per cent of boys with antisocial behaviour entering kindergarten were delinquent by the age of 13 — 28 per cent of them! That is why a national children's agenda is so very important. The government's promise to work with provinces and territories to put in place an action plan by December 2000 to further strengthen the community support for early childhood development is essential. The national children's agenda — a federal, provincial and territorial initiative — shares many of the objectives of National Child Day. They both share a common message. Canadians working together can ensure that all children thrive in an atmosphere of love, care and understanding, valued as individuals in childhood and given the opportunity to reach their full potential as adults.

The Speech from the Throne also announced Exchanges Canada, a program designed to give 100,000 young people each year the chance to live and learn in other parts of Canada. What a wonderful experience! I am a richer Canadian for having lived in a number of provinces in this country, and I know my children are richer for having lived in a number of provinces and for being able to speak both of Canada's official languages.

Let us also not forget programs like Katimavik. Katimavik at one point had 5,000 young people involved; it now has only 1,000. Honourable senators, over the next 10 days, a group of those young people will be visiting us here on the Hill, and I suggest that you go and speak to some of them.

The Hon. the Acting Speaker: I am sorry to interrupt the honourable senator but her time has expired.

Senator Carstairs: May I have leave to continue, honourable senators?

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Carstairs: Thank you, honourable senators.

Those children who tend to go to Katimavik are not the highly motivated, university-bound youngsters. They are the youngsters who do not know what they want to do. However, I can tell you that my experience in meeting with them over the years has taught me that, after they have completed a year at Katimavik, they are highly motivated young people who have learned both of our official languages, who have worked in community-service projects in this country, and who now have a plan for their future. That is what we need to encourage in this country.

Honourable senators, the Speech from the Throne also renewed the government's commitment to reintroducing young offenders legislation. In fact, the Minister of Justice has already reintroduced that proposed legislation as Bill C-3. I will be examining this bill very carefully to ensure that we are not being too punitive. Let me quote from a June 20, 1995 report of the Standing Senate Committee on Legal and Constitutional Affairs concerning Bill C-37, amendments to the Young Offenders Act, Part I:

Several witnesses maintained that legitimate public concerns about youth violence must be met with accurate information about actual crime rates and about the operation of the youth justice system. Your Committee believes that common misperceptions concerning the incidence of violent

youth crime, in particular, as well as the range of legal consequences, serve neither young persons nor the public at large. Those misperceptions may foster unfounded fears and demands for increasingly punitive measures that may do little to address the actual causes of violent youth crime.

We hear constantly that youth crime is on the rise — particularly we hear this from members of the Reform Party — that youth are becoming more violent, and that stronger measures are needed because the current young offenders legislation is too weak. However, honourable senators, a recent publication by the Correctional Service of Canada, which examined data from the Canadian Centre for Justice Statistics on young offenders, found that, overall, youth charged with a criminal offence and youth processed through the youth court system for criminal offences had decreased from 1992 to 1997. When violent crimes committed by youth are examined nationally, only a slight increase is evident. In Manitoba, it is actually down by 9 per cent in 1998 from 1997. The average age of youth processed through the youth court system has not decreased but has remained stable at 15 years. Youth transfers to adult court have neither increased nor decreased.

• (1540)

Finally, the seriousness of youth dispositions has increased, contrary to the public perception that they are receiving sentences which are too lenient. One study I read recently indicated that the average sentence imposed on a young person for a crime was higher than that imposed on an adult for the same crime.

We hear a significant amount about gangs, but in Manitoba, three-quarters of the members of gangs are not young people at all — they are adults.

Honourable senators, Canada jails children at twice the rate of most states in the United States, which has the highest incarceration rate of adults as well as young people in the entire Western world.

In Finland, there are only 10 boys under the age of 18 in jail, out of a population of 5 million. In Canada, there are 4,000 youths in custody out of a population of 31 million. Do we honestly believe that our young people are six and one-half times worse than children in Finland? In Norway, they have done away with children's jails altogether.

Honourable senators, 30 per cent to 70 per cent of young offenders suffer from a learning disability of some sort. Rather than toughening young offender legislation, we should be putting resources toward the problems of the learning disabled while they are young. Research shows that children who benefit from high-quality early childhood care and education are far less likely to grow up to be involved in crime and violence either as victims or perpetrators. The National Crime Prevention Council recommended fighting crimes by beginning with good social programs for children.

Honourable senators, at the beginning of my remarks I referred to Saturday having been the 10th anniversary of the adoption of the UN Convention on the Rights of the Child. The convention addresses the rights of children and youth under the age of 18. It also recognizes the important role of the family in raising children. Prior to the 1989 convention, a child under international law was considered an object to be given care and protection. The convention altered this perception by recognizing children as individual persons, with rights to freedom of expression, association, assembly, religion and privacy. Canada has come under international criticism since 1989 for failing to repeal section 43 of the Criminal Code, which is in conflict with section 19 of the United Nations convention. In 1995, the UN Committee on the Rights of the Child recommended that corporal punishment in the home and elsewhere be prohibited and requested that Canada reconsider section 43 in light of this recommendation. I am disappointed that there is no mention of the repeal of section 43 in the Speech from the Throne.

In the media yesterday there were reports that the Minister of Justice will be introducing changes to the Criminal Code this week to increase the protection of animals from violence and abuse. The changes will be made in order to recognize in law that animals are not property, but recognized in their own right. I am extremely supportive of that legislation, but I also do not think children are property and I do not think we have reached the appropriate understanding in law concerning our children.

Children are unique individuals. They need our love, our support and most of all our guidance. Children need discipline, but there are many other ways to discipline a child without using corporal punishment. Indeed, studies have shown that corporal punishment leads to more violence rather than less.

Honourable senators, the government is on the right track. I do not think they have everything right, but then I have never thought any government had everything right. They are moving in the right direction. Anything that protects our children and encourages their full growth and potential is a positive initiative. As a good teacher, I will be keeping my report card on this matter.

Hon. Donald H. Oliver: Honourable senators, I rise to speak in reply to the Speech from the Throne. The Governor General raised quite a few significant issues in her speech last month. Bearing in mind, as all honourable senators will know, that the Government of Canada has identified four target groups in need of protection, I was particularly interested in her remarks about improving Canadians' quality of life. However, as I listened to what she had to say, my initial interest unfortunately gave way rather quickly to dismay. I heard what the government claims it will do to help improve the lives of aboriginal, female and disabled Canadians, but hard as I listened, I could hear no mention of the fourth group — visible minority Canadians. It was as if we had disappeared from the face of the earth, or at least the face of the earth as the present government envisages it.

Somehow, I was not surprised. Visible minorities really have never been a priority for this government. We are not part of what the Prime Minister grandly calls the Liberal vision of the new millennium. I suspect the reason for this is that, unlike women, we do not attract attention by the sheer force of our numbers, nor do we incite feelings of guilt, as do the disabled. We are not the focus of great media interest, as are aboriginals. Instead, we appear to be simply just there: Blacks, Chinese, Vietnamese, East Indians, Pakistanis, Nigerians, Senegalese, Egyptians, Lebanese, Nicaraguans, Bolivians, et cetera. We are a heterogeneous collection of individuals from every part of the globe. We are a group of people containing many who are struggling to adapt to the new homeland and many others who have been here for a century or more, all minorities in their own land, each trying to come to grips with the various forms of racism, bigotry and intolerance they face in their daily lives. None, it would seem, is worthy of any special attention, any suggestion of interest or any hint of consideration on the part of this government.

In the face of such inexplicable and inexcusable indifference, it behooves me today to rise in this chamber. The government of this country has a responsibility to look out for the interests of all Canadians. By ignoring visible minorities in the Speech from the Throne, it has abdicated an important part of that responsibility. It has left a small but vital part of our community unrepresented and without a voice. Therefore, I rise to bring, for a brief moment, the case of visible minorities before this honourable chamber.

Honourable senators; I wish to remind the government that visible minorities are also citizens of this wonderful country. Despite their different skin colour, eye shape, accent or customs, they are all part of our great Canadian family. They should not be overlooked or taken for granted, as they so obviously were in the Speech from the Throne.

Honourable senators, the Prime Minister perhaps forgot or was unaware that visible minorities make up 11 per cent of Canada's population. That is about 3 million people. According to the latest census, 32 per cent of Torontonians are visible minorities, as are 31 per cent of the people of Vancouver, 15 per cent of Calgary, 12 per cent of Montreal and 7 per cent of Halifax. In the next few years, these numbers are set to rise to even greater levels. Statistics Canada forecasts that there will be some 7 million visible minorities in Canada by the year 2016. If this happens, they will then represent 20 per cent of our Canadian population.

Despite their ever-growing numbers, visible minorities remain largely shut out of the mainstream society. Honourable senators, look around you. Visible minorities make up 11 per cent of our population. Do they make up 11 per cent of the Senate of Canada or the House of Commons? What about the Armed Forces, the judiciary or the banking industry? How many visible minority university presidents do you know? Why is it that the CBC cannot seem to find any visible minorities to sit on its many discussion panels and pundit shows? Why, indeed.

• (1550)

The exclusion of visible minorities from their just portion of the employment pie is a phenomenon that affects every sector of our society. The Public Service of Canada is a prime example. According to the latest figures, barely 9,000 of the 190,000 federal civil servants are visible minorities. That is about 5 per cent. If you look at breakdowns by department, the reality of exclusion becomes even more apparent. At National Defence, there are less than 500 visible minorities in a population of 17,000 civilian employees; and there are barely 300 among 12,000 at Corrections Canada.

The situation is even more disgraceful the higher up the ladder you go. Honourable senators, less than 3 per cent of senior level managers in the Public Service of Canada are visible minorities. I am told that, GIC appointments apart, there is not one visible minority deputy minister anywhere in the entire public service. In fact, the last non-GIC visible minority deputy minister apparently retired some two decades ago.

Think about that. There must be over 100 deputy ministers in the public service, and they are all white! In other words, not one of the more than 9,000 visible minorities I mentioned a moment ago has the requisite qualifications to be a DM. Not a single one of them has the education, the experience or the know-how to do the job. That is hard to believe.

The public service says that these things take time, perhaps a long time. However, it is not a question of time; it is a question of attitude. Either the people running the Public Service of Canada believe in employment equity or they do not. Quite frankly, given their record to date, I do not think they do.

Honourable senators, the public service is not alone in its failure to open its ranks to visible minorities. The same situation prevails in our own backyard. Take a minute to think about the last time you saw a senior visible minority Senate employee. If you are like me, that minute might stretch out to be two or three. The fact of the matter is, according to the clerk's office, only 1.2 per cent of Senate employees are visible minorities. That works out to a total of 6 of 490 people, in an institution that is supposed to be helping to set the example for others to follow.

The problem here is not so much that the Public Service of Canada and the Senate have failed to show leadership on the issue of employment equity — and I have written to the Speaker of the Senate concerning this issue, but my letter remains unanswered. I mention these two institutions as examples but there are many others. The real problem, as I see it, is that by failing to act they are reinforcing the idea that there is no need to act. In other words, if we do nothing then maybe the problem will go away.

Honourable senators, we have seen previously, with the Quebec referendum, and today, with the East Coast fishery, that such an approach leads only to trouble. Visible minorities are being denied equitable employment opportunities. We should be

talking about it, seeking input, and looking for ways to overcome the problem. Pretending that it does not exist solves nothing, yet that is exactly what we are doing.

The same thing is happening in the area of race relations. Canadians like to maintain the fiction that they live in a kinder, gentler nation. We have no race riots here. Assassins do not gun down minority community leaders. Blacks are not beaten half to death by gangs of policemen on the side of a highway or sexually attacked in the bathrooms of police stations. Everyone gets along and there is space for all.

The only problem with that is that it is not true. Canada is not some sort of modern-day Arcadia; nor does every Canadian love their neighbour. In fact, very often instead of love there is animosity, distrust, fear and hatred — yes, hatred. Hate crimes happen in this country, although, thankfully, not on the scale of our neighbours to the south. Nevertheless, they do happen. A young woman in Vancouver, Reena Virk, was a victim of a hate crime. She was kicked, beaten, and drowned. Why? Because she was a visible minority. There are hate groups here, as well: the Ku Klux Klan, White Power Canada, the Nationalist Party of Canada, and the Heritage Front. Each has its slogans and easy answers, each its quota of unhappy young men out to prove their manhood by victimizing others. We also have a new phenomenon called cyberhate — that is, hate by way of the Internet — white supremacists, neo-Nazis, and skinheads pedalling their trash to the gullible and the permanently angry.

All of these things exist in this country, but you would never know it by looking at the media. Newspapers and television largely ignore the issue. Why? Because the majority of Canadians are not interested. For white people, employment equity, racism, and hate crimes are intellectual rather than practical questions. And understandably so: White people are rarely its targets; they are seldom the victims of prejudice and bigotry. So they forget, or, as this government has done, they wilfully ignore the fact that there are others who are — others who need protection and help and encouragement.

Honourable senators, visible minorities are not seeking a free ride. They are not asking for things others are denied. All visible minorities want is to work hard at rewarding jobs, to raise their families in safe environments, and to provide their children with the opportunity of enjoying a healthy and prosperous life, just like everyone else. Just like everyone else, they want to be accepted for who they are and for the people they are, not for the country of their origin or their skin colour. Surely we have progressed far enough over the last few decades to make this possible. Then again, perhaps I am being too optimistic.

Honourable senators, I gave a speech earlier this year on the state of black community in Canada. In my remarks, I said that I very much doubted if I would see real equality in my lifetime. Afterward, someone came up to me and asked why I chose to continue speaking out if, in my heart, I did not believe the situation would change. I replied that it was not really a question

of choice. As an elder in the black community, I have certain responsibilities. Among these is to talk publicly about issues such as racism, which has a detrimental effect on the community, and to seek ways to resolve such issues. It is a duty that I accept, and willingly so, despite whatever personal reservations I might have.

Honourable senators, I do have reservations. Barely 30 years ago, segregated schools still existed in this province, and black people were denied burial in certain cemeteries in Nova Scotia. They say much has changed since then. I wonder. When I look around me today, I see that the negative stereotyping of visible minorities in society and in the mass media still exist. The glass employment ceiling is still here. Visible minorities are still treated as niggers, chinks, pakis, and gooks. So, no, I do not think much has changed. That leads me back to the same questions I have been asking myself all my life: When, in the name of heaven, are we, as a society, going to grow up? When will we begin treating one another like human beings?

The answer to these questions does not lie in legislation — that much is obvious. We have the Charter of Rights and Freedoms, the Canadian Human Rights Act, and the Canadian Citizenship Act. All guarantee equality before the law, and prohibit discrimination based on race, national or ethnic origin or colour. We have all of this legislation and more, yet prejudice and racism persist. Members of the Reform Party suggest publicly that visible minorities should be kept in the back of the store, out of sight. The Public Service of Canada grossly under-employs visible minorities and argues that such a long-term project cannot be rushed. Members of hate groups routinely publish material designed to incite racial and ethnic intolerance and violence — and I could go on.

Honourable senators, the real answer to racism and prejudice lies in education and discussion. People have to learn about one another. They have to overcome their fears of one another. To do this, they need information. Information is the key to breaking down suspicion and destroying stereotypes. It brings community together; it promotes better understanding. However, information on its own will not solve everything. There must be commitment. There must be a shared belief that visible minorities have a right to the full fruits of citizenship. Here, we come to the crux of the issue. I believe it is part of the federal government's responsibility to foster this commitment. It is part of its job to lead us, as a nation, towards harmony and mutual respect. It sets the example for others to follow. However, this is not happening.

The Prime Minister and his cabinet have decided to ignore the issue of visible minorities. They are pretending that it does not exist. By ignoring visible minorities in the Speech from the Throne, they are saying, in effect, "Visible minorities are not important."

• (1600)

The Hon. the Acting Speaker: Honourable senators, I am sorry to interrupt but the honourable senator's time has expired. Is leave granted for him to continue?

Hon. Senators: Agreed.

Senator Oliver: Thank you, honourable senators.

Their problems are not worthy of attention. Finding the keys to stopping racism, inequality and discrimination are not national priorities. Obviously I cannot and do not agree with this; thus my decision to rise today in this chamber.

In closing, honourable senators, let me suggest that if the government has no interest in addressing this subject, we certainly could do so here. Given the range and depth of experience and expertise in this chamber, I am sure a debate on the place of visible minorities in Canada would produce some very valuable testimony. If we wish to proceed further, a subcommittee of the Social Affairs Committee could be set up. Its mandate might include a cross-country tour to gather and synthesize the most up-to-date opinions on visible-minority employment. Another possibility would be to establish a joint Senate-Commons committee to follow up on the conclusions of the 1984 Daudlin committee. That committee, you will recall, studied the participation of visible minorities in Canadian society.

Whichever route we take, honourable senators, we must not follow this government's example by saying nothing. Visible minorities are Canadians. They deserve to be treated like Canadians.

Hon. Mira Spivak: Honourable senators, I compliment the mover and the seconder of the Address in Reply to the Speech from the Throne, who both spoke eloquently for their provinces and regions. They pointed out some excellent initiatives in their speeches. Among the most important, I think, was the announcement of legislation to create the Canadian Institutes of Health Research and the promise of improved funding for research. Research funding and the method of that funding can impact the lifeblood of a country, determining the future of its economy, its health system and the well-being of its citizens.

While I applaud the Throne Speech initiative, I do want to comment briefly on what the Throne Speech did not mention. That is what Nobel Laureate John Polanyi calls "the commercialization of science." In a recent address to the Royal Society, he attacked this trend as one which is ruining Canada's universities and driving the best young scientists out of the country. He might have added that it is also contributing to the demise of a civil service which once focused on consumer and public interest more intensely than on corporate concerns.

The Nobel Prize winner attacked the research funding policies of federal and provincial governments that have turned universities into "outlying branches of industry." Canada has gone too far, he said, in shifting to industrialized research and away from systemic or basic research. The introduction of matching-funds, schemes and partnerships have forced researchers to find some funding from industry to qualify for government money. Research to bring goods to market has been put on par with teaching and basic research.

The result is that universities are damaged. They are robbed of the very things for which the public values them — their uncompromising integrity and independence. The flight of top-notch scientists and researchers to the U.S. is also a result, at least in part, of these misguided policies because, strangely enough, the U.S. has kept this industrialization of research at bay. In the U.S., only 6 per cent of university research is funded by industry. It is 3 per cent in France, 2 per cent in Japan. In Canada, it is 12 per cent.

I hope the initiative in the Throne Speech regarding the Institutes for Health Research will lead to a change of values in this matter.

On another issue, the Throne Speech did not mention the farm crisis, a crisis which the Senate recognized with its emergency debate on November 3. The speech was insensitive to the men and women who ensure that we have high-quality food. Farmers have produced near record crops this year. In Saskatchewan alone, they have grown 27.8 million tonnes of grain, oilseeds and specialty crops. Still, their livelihood and way of life are on the line, in part if not entirely, because the government subsidies have been reduced to a fraction of what governments in Europe and the U.S. give to their grain producers. Canada does not subsidize those agricultural producers.

The bald figures now before the WTO show that our milk, beef and pork producers are much more heavily subsidized than their counterparts in the U.S. Milk producers, for example, have 59 per cent of their production costs covered by government subsidies. Beef producers have 12 per cent of their production costs covered by government subsidies, which is three times the level in the U.S. Yet grain producers have only 10 per cent, less than one-third of the U.S. subsidy level.

If the silence of the Throne Speech was cruel, the government's response to the crisis in subsequent weeks was like the "silence of the lambs." The Premiers of Manitoba and Saskatchewan were summarily dismissed when they came to Ottawa. The federal Minister of Agriculture then announced a \$170 million top-up to the Agricultural Income Disaster Assistance program, commonly referred to as AIDA. That is less than 15 per cent of what the premiers of Manitoba and Saskatchewan said was needed.

By tying assistance to AIDA, the minister required the provinces to contribute 40 per cent. In Manitoba, the farmers will not see any of the estimated \$67 million AIDA top-up unless the provincial government contributes \$26 million. The Manitoba government spent \$79 million this spring helping flood-stricken farmers. Now it says it cannot pay its portion of the top-up. The Saskatchewan government also finds the arrangement impossible and is thinking of pulling out of AIDA altogether.

Even if the provinces were able to come up with a great deal more money, AIDA is a demonstratively flawed program. As of October 25, this program had disbursed only \$227 million, less than 13 per cent of what the minister describes as a \$1.78 billion aid package. As mentioned here before, more than half the applicants in Manitoba and Saskatchewan were rejected. To quote Morris Dorasch in *Agri-Week*:

To the extent it pays it all, AIDA pays the wrong people for the wrong reasons in the wrong way.

I would like to reiterate one point that was made during the emergency debate. The people on the land need cash in their hands before Christmas. If they do not have it, they will not be putting seed in the ground this spring. That is the simple truth of it. There is no shortage of ideas on how to deliver the money — through NISA, through taxes or through legislatively reducing freight rates charged to farmers, which studies have shown are too high by at least \$5 per tonne.

There is no shortage of money, the Finance Minister has told us. The real shortage then is one of political will. That is why Western organizations are attempting to persuade the Prime Minister to see for himself that the crisis is real and to visit the Western farm communities. Newspaper editorial writers are reminding this Prime Minister of something Pierre Trudeau said: not only his remark, "Why should I sell your wheat?" which I think was taken out of context, but also this less remembered remark about the Prairie farmer:

He is entitled to as much protection from the Canadian government as other producers get in other countries with whom he has to be in competition.

Today, our wheat growers get less than one-third of subsidies that go to the competitors in Europe. The Leader of the Government in this chamber chastised the provinces for their failure to provide further funds for AIDA. It must be pointed out that, both in the U.S. and the European Union, it is the senior level of government that finances subsidies. No American state provides any farm subsidy program worth mentioning. The European Union's super budget is the one that covers farm subsidies.

Thousands of farm families are being forced off the land and we are being told it is the inevitable consequence of technological progress, but industrialization in this sector is neither inevitable nor progress. Perhaps it is time for farmers to put out their own tough message. Buying inputs that increase outputs in Canada's foreign exchange earnings through exports, but not the farmer's bottom line, is bad business that places no value on farmers' initiatives and labour.

The issue of the family farm is summarized in a *New York Times* article which I received from my fearless leader just recently. I want to read from it:

Until recently, most people in the world were fed by small farmers, producing diverse staple food crops to serve local communities and local markets. But under WTO rules small farmers are disappearing. In much of the world (including the U.S.) global corporations have taken over most aspects of farming, using chemical-intensive methods, and now biotechnology. Small farmers have given way to miles of single crop luxury *monocultures*, for export to foreign markets. Today the average meal Europeans and Americans eat travels about 1,500 miles from source to plate. Instead of eating food grown ten miles away, we eat food from overseas. *And every mile the food travels causes environmental havoc.* The increase in ocean, road, and air transport to ship food back and forth across the planet massively increases energy use, ocean and air pollution, and climate change....And it requires far more packaging, putting added pressure on forests. It also requires new infrastructure....Anyway, *industrial food is less healthy*; heavy with chemicals that pollute soil and water and cause public health problems.

Therefore, if we do not protect the family farm, we are losing a valuable resource. And the family farm, of course, is no longer small. In Canada, it could be 10,000 or 20,000 hectares.

• (1610)

The subject of the national children's agenda, the poverty of children, and the value of early childhood education has been covered most eloquently by Senator Carstairs. I simply want to say to her that, if she wishes to bring forward once more an amendment to the Criminal Code on corporal punishment, I would be delighted to support such an amendment. When I was on the school board in Manitoba, we certainly got rid of corporal punishment in the bylaws.

I wish to talk about some other parts of the children's agenda that I am not sure will be quickly carried out. For example, in June 1997, and later in the election campaign, it was said that a new Liberal government would establish centres of excellence for children's well-being and that \$20 million in funding would be provided over five years. Some 30 months later, not one centre has been established.

Even more important is the matter of child care. I would like to touch on two recent reports, to remind us why we should not be neglecting child care and why we need to put a national system in place. The first is a report to the Premier of Ontario by J. Fraser Mustard and Margaret McCain, a report that makes several good points. First among them is powerful new evidence, as Senator Carstairs has stated, from neuroscience suggesting that a child's first three years affects learning, behaviour and health throughout life. Failing to give children a good start is the

real brain drain. Second, the report makes the case that public investments in programs for these years are as important as investments in education, post-secondary education and health care. Third, the report states that communities are very effective at integrating provincial and federal programs at the community level.

This report, like many before it, reminds political leaders that we ignore child care at our social peril. The other report, the "Children First" pre-budget report of the National Council on Welfare, argues the economics. It is calling for the federal government to invest \$3.5 billion towards a national system of quality, affordable child care, in partnership with parents and provincial and territorial governments. What would be the return on this investment? The report states:

Many social programs support families, but child care is the backbone of them all. Child care is the one program that embraces both income security and services. Child care has been shown over and over again to be the essential ingredient for the work force participation of parents, especially mothers. Improving the work force participation of mothers is essential to reducing child poverty.

Michael McCracken of Infometrica has gone further and quantified exactly how many jobs might be created. A \$1 billion cut in personal income taxes would generate an estimated 9,000 jobs, at a cost of \$96,000 per job. One billion dollars spent on child care would create 46,000 jobs, at a cost of only \$8,300 per job. That is a sad commentary because child care workers are not paid enough. However, those are the brutal facts.

Columnist Linda McQuaig tells us that Health Canada has developed a blueprint of a national child care program. However, child care is not a program, it seems, that is being vigorously or at all promoted by the Government of Canada.

The Throne Speech also does not place any emphasis on protecting the health of children from environmental threats. Allow me to cite an example. We know that municipal waste incinerators, some of our industries, and people who burn treated wood are putting dioxins into the environment. We know that trace amounts of this very toxic chemical are in our food supply. Worse, they are in mother's breast milk at levels 40 times the concentration found in one rib steak. Because of a recent U.S. report, we know that breast milk concentrations among Canadian women are higher than they are in the United States. I do not why this should be.

A sterling opportunity, of course, was presented during the debate on Bill C-32 to ensure that dioxins would be phased out and to persuade municipalities, provincial governments, and industries to change industrial processes. The government also squandered an opportunity to show real leadership in negotiating the global treaty for the ban that is needed if Canadians are to be protected from long-range atmospheric transport of dioxin and other persistent chemicals. However, it is not too late — we can still go ahead.

The Throne Speech suggests that action will be taken on pesticides. Action is long overdue, as there are now some 6,000 formulated products registered in Canada. Yet, as the Auditor General has pointed out, no data is collected on the use of pesticides; nor do we know all the ingredients in these products, since only active ingredients are required to be formally registered, while toxic oils or solvents used as formulants are trade secrets. The effect of pesticide exposure on children is not measured. Only the effect on adult males is considered.

The Hon. the Acting Speaker: I am sorry to interrupt the honourable senator, but her speaking time has expired.

Senator Spivak: Might I have leave to finish my remarks, honourable senators?

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Spivak: These are just some of the deficiencies in the 1969 Pest Control Products Act, which is badly out of date. Five years ago, the "purple book" was released, proposing a new regulatory system, recognizing the inherent conflict of interest of Agriculture Canada as both the promoter and regulator of pest control products. Regulatory authority was transferred to the Minister of Health. Five years later, no legislation has been introduced. To paraphrase T.S. Eliot, can we expect that between thought and action no shadow will fall?

Ironically, while the government has recognized the conflict of interest in pesticides, it is turning a blind eye to conflict of interest in other matters of food safety and the environment. The Canadian Food Inspection Agency, for example, a promoter of biotechnology, was placed in a conflict when, through Bill C-32, it was given responsibility for the environmental assessment of bioengineered plants and animals. Environment Canada's logical role was eliminated.

The next issue I would like to address briefly is climate change. The Throne Speech tells us that the government will work with other governments to keep its Kyoto commitment. The Kyoto commitment, for those who need reminding, was a way for countries, Canada among them, to save face about not meeting their Rio commitments. Almost a decade has passed since countries agreed to reduce greenhouse gases, and Canada, among other countries, still has no plan.

What I want to say is very simple. It was said in Geneva early this month by ministers of the environment for small island states in the Pacific, where climate change has been devastating Tonga, which is a grouping of 175 islands. For the last two years, their drinking water has been contaminated by rising sea levels. They must import water. Their beaches have about ruined and entire villages have been forced to move from coastal areas. The message is: We cannot keep wasting time arguing about how to keep our commitment.

Globally, damage caused by natural disasters is doubling every five to ten years. In 1960, it was less than \$10 billion per year. Now, it is more than \$70 billion. Last year, Canada's insurance industry paid out \$1.5 billion. You can bet that the insurance industry has been noticing. Now it is telling the federal government to set aside \$150 million per year to help communities build disaster-resistant infrastructure.

• (1620)

Honourable senators, I have ranged widely in the brief time I have been allotted, but I hope that one theme and one message has emerged: Promises have been made to the Canadian people by this government, and, to paraphrase Robert Frost, there are promises to keep and miles to go before you sleep.

[Translation]

Hon. Normand Grimard: Honourable senators, I would like to begin by paying tribute to the honourable senators who spoke before me on the address in reply to the Throne Speech. I come from the country of Réal Caouette, the late former leader of the Ralliement des créditistes. I practiced law in Abitibi. I even had the great misfortune to run against Gilles, Réal's son, as he was called, in a federal election.

There are only 38 days remaining before many people break open the bubbly at midnight on December 31 to toast the passage into another century and another millennium. However, the expensive U.S. imported fruit on the platter will be a reminder to many that they can no longer travel outside the country as often as they used to. The value of the Canadian dollar has dropped by one third since the 1970s, and a good part of that fall occurred in the last three years.

Ordinary employees are paid in Canadian dollars. Their employers, who export more to the United States, travel. While the rich make money, average Canadians tighten their belts, because they earn fifty cents for every dollar earned by Americans, and must pay \$1.50 for everything they import from the United States.

I know that I am going to be told: "You come from Abitibi. You want to revive Caouette's money machine." Well, I do not! For one thing, there is no question of artificially flooding the economy with currency. And for another, I note that the Speech from the Throne offers nothing for those worried about the health of our dollar.

The government is showing very few signs of wanting to come to the rescue of our long-suffering loonie, which it is keeping extremely low in relation to the U.S. dollar. It is content to observe that, if the dollar is low, our businesses will be able to export more.

The government seems barely perturbed. Last year, all the Prime Minister had to say was that it was not a problem if Canadian tourists could not travel to the United States, because they would go to New Brunswick instead.

I am all in favour of Canadian tourists visiting their own country first. I recognize that a well-run economy begins at home, but I must say that neither do I like the sort of resignation that says that if Canadians can make it to New Brunswick or, for that matter, anywhere else in Canada, they have nothing to complain about. As for inspiration and enthusiasm in the Speech from the Throne, the simple answer is that it was measured out in very small doses.

The government's program is geared, on the one hand, to improving quality of life and to dealing with the plight of young people. On the other hand, these statements are little more than good intentions.

Young people are not only interested in visiting Canada, New Brunswick and all the other provinces. Above all, they want jobs. In order to create jobs, the government would have to reduce taxes. However, whenever the Prime Minister and his ministers are asked about this, they always find a reason to put off any such measure.

On the contrary, Canada tolerates a high level of unemployment compared to the United States, a heavy tax burden, a shortage of cash and a lack of jobs for young people. Worst of all, our brightest people are moving to the United States for two reasons: better salaries, because they are paid in U.S. dollars, and less taxes. Also, a large number of bright people from abroad refuse to work in Canada for the same reasons.

[English]

Peter C. Newman, a pundit writer and a learned commentator, has been writing for decades on the Canadian economy. In an article in the business section of *The Ottawa Citizen* of November 17, 1999, Mr. Newman said that Nortel Networks President John Roth was correct recently in his assessment that Canadian personal tax rates are sending the country's best and brightest academic brains to the United States. Mr. Newman stated that in the latest issue of the University of Western Ontario's *Ivey Business Journal*, John Roth compared the loss to that of "the Gretzkys of high-tech." Moreover, according to Mr. Roth, only 28 out of the 400 senior executives of Nortel reside in Canada.

[Translation]

Honourable senators, yesterday, you probably received, like me, a release from the National Press Club, announcing that the person to whom I just referred, John Roth, Nortel Networks President, will deliver a speech on Wednesday, December 1, 1999, in Ottawa. The topic is: "Why is Canada losing not only its greatest talents and its best paid people, but also its industry leaders?"

In a way, the government is spreading a half-truth. We sell 85 per cent of our exports to the United States and our weak

dollar is an asset in that respect. The flip side of the coin is that the government omits and refuses to mention that we also buy 75 per cent of our imports from the United States and that we must pay almost \$1.50 Canadian for each U.S. dollar. These cyclical lows in the value of our dollar cost us huge amounts of money.

In the first six months of 1999, we imported \$25.8 billion worth of vehicles, parts and rolling stock, as well as \$22 billion worth of boilers and mechanical equipment for heavy industry. Another essential component of our imports is electronic and recording equipment, \$11.7 billion worth having been imported from the United States in six months.

During that period, plastics accounted for \$4.5 billion, optical accessories for close to \$3.9 billion, cardboard and paper products for \$2.3 billion and magazines, newspapers and other printed material for \$1.3 billion, and all this paid for with our weak dollar. According to another study, the price of American magazines sold in Canada rose 17 per cent over the past year.

I could go on from A to Z, with thousands of domestic and industrial products. When we sell our raw materials to the United States, moreover, our bulk iron and aluminum, we very often buy them back once they have been transformed into finished products, so we are penalized twice if our dollar is low.

As for the food in our shopping baskets, the price of fruit and vegetables, mostly imported from the United States, has gone up 30 per cent since 1992, and the price of cereals close to 25 per cent.

We glorify our status as the United States' neighbour in describing our lifestyle, which is similar to theirs, while also using it to distinguish ourselves from them, reaffirming our own identity to all and sundry. Retail business, airlines, sports — and we have certainly heard enough about the problems of major league hockey in Canada — scientific research, the arts, television, culture and publishing, all are areas in which it has been proven that we have trouble resisting the United States' drawing power.

• (1630)

We are delaying a reform of our tax system: We are paying for it. We are happy not to see that our education program must be reformed if we want to catch up with emerging countries. Here, too, we are paying for our delay. Now that we are facing more difficult years because of global competition, we are condemned to repay our national debt. It is a bit like letting a huge mortgage on our house accumulate.

The government has up to now said that the weak exchange rate of the Canadian dollar encourages exports. That is true in part. Where I am more or less in agreement with the government is when it appears to say that if the Canadian dollar is worth 65 cents, 68 cents or 70 cents U.S., we will export more and should not complain. The dollar's weakness creates one of the most harmful elements of instability.

It seems important to point out from another perspective that the Americans are not only visiting our country but are in the process of buying it up, in cash, in bits and blocks, although it is not for sale. They are gaining control of our businesses, because the price is ridiculously low due to the poor health of the Canadian dollar, pardon me, weaker even than the Caouette buck.

Many of our talented people have emigrated to the United States. Robert Mundell, the winner of the Nobel Prize for Economics for 1999, is one of them. In an article in *La Presse* on October 16, Mr. Mundell is said to have stated that the Canadian dollar's loss over 25 years of a third of its value is equivalent to a national cut in salary. The renowned economist described such a devaluation as stupidity. He went on to propose that Canada abandon its floating money policy and adopt a fixed rate of exchange with the U.S. dollar. Richard Harris, a Professor of Economics at Simon Fraser University in B.C., supports this fixed rate and is one of a clear minority that sees this as nothing but beneficial.

Such blockage does not create unanimity. Not being an economist, I do not want to recommend anything. However, I know that the dollar's ups and the downs creates instantaneous gain. How many of our citizens with less of a flair for predicting the humours of the economic weather are also becoming poorer? I cannot think of the former without feeling sympathy for the latter. The loonie's sudden and pronounced fluctuations have a negative psychological effect.

In fact, need I point to the fact that 85 per cent of our exports go to the United States, but that 75 per cent of our imports come from there as well. No one should say that, so long as Canada exports, all is for the best in the best of worlds.

I have another point. Americans are buying up our industries and businesses like candy. This is a well-known fact, whether it is funeral homes in Quebec or MacMillan Bloedel in British Columbia — to which Senator St. Germain referred. I can think of Imasco which, just a few days ago, sold Pharmaprix in Quebec and Shoppers Drug Mart elsewhere in Canada. Canadian ownership titles are fast disappearing. Let us suppose that the economic situation gets worse and that the market slows down. Where will these new American owners close businesses? I bet it will be in Canada. Think about GM's assembly plant in Boisbriand, which has been kept on life support for 10 years and where employees are constantly talking about their fear that the plant will soon close.

Canada is enjoying enviable prosperity, but it is playing a dangerous game. I am sounding the alarm because our collective purchasing power has diminished in the past few years, because we have lost jobs, because our young people are worried about their future, and because we are reading messages of concern in the media.

And on an even bolder note, I know that some people are suggesting that Canada follow the lead of the European Union

and adopt a common currency, which would be the U.S. dollar. Honestly, we have not yet reached that point. I think that the vast majority of Canadians, whichever of the two official languages we speak, have invested too much of what we are as a nation to turn our backs on our identity. It is for this reason that we refuse to become Americans.

Honourable senators, these are some of the thoughts brought to mind by the recent Speech from the Throne. I hope that the government will clarify the directions it intends to take in its program, and that the emphasis will be on concrete action.

Only through such action will Canada be able to hang on to its reputation. Honourable senators, I am sure that this is the wish of all members in this place. All of us wish to pass on to our children a country in full prosperity. Our economy will only improve through firm and decisive action.

Now that the government seems to have beaten inflation and, for two years now, has brought in balanced budgets, it is unacceptable that the Canadian dollar should stand at 66 cents U.S. Persisting in this policy can only lay us open to questions.

On motion of Senator Hays, debate adjourned.

[English]

• (1630)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO APPLY PAPERS AND EVIDENCE
GATHERED ON EXAMINATION OF PREVIOUS BILL
TO STUDY OF CURRENT BILL

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-17, to amend the Criminal Code respecting criminal harassment and other related matters, in the First Session of the Thirty-sixth Parliament be referred to the Committee, when and if it is formed, for its present study of Bill S-6.—(*Honourable Senator Cools*)

Hon. Donald H. Oliver: Honourable senators, Senator Cools has yielded the floor, and I wish to speak. In closing the debate on this motion, I should like to refer you to —

Hon. Sharon Carstairs: Honourable senators, I hesitate to interrupt Senator Oliver, but this has been adjourned in the name of Senator Cools. If Senator Oliver closes debate, she will not be given the opportunity to speak.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, Senator Oliver did indicate he had agreement with Senator Cools to proceed; is that correct?

Senator Oliver: Honourable senators, Senator Cools came to me today and said that she expected me to speak. She indicated that she was yielding to me because the order stands in her name. However, if the honourable senator does not wish me to speak now, I am prepared to wait.

Senator Carstairs: That is fine, honourable senators, so long as Senator Cools does not wish to speak. I certainly do not want to speak and am quite prepared to listen to Senator Oliver.

Senator Hays: Since Senator Cools has cleared this matter with Senator Oliver, he can proceed.

Senator Oliver: Honourable senators, in closing the debate on this motion, I should like to refer you to paragraphs 874 and 875 on page 241 of *Beauchesne's Parliamentary Rules & Forms, 6th Edition*. These illustrate the Canadian practice regarding unfinished committee inquiries due at the end of a session.

• (1640)

They provide as follows:

874. When committees have not completed their enquiries before the end of the session, they may report this fact to the House together with any evidence which may have been taken. In their report, they may recommend that the same subject matter, with the evidence taken in that session, be referred again in the new session.

875. A committee cannot report the evidence taken before a similar committee in a previous session, except as an appendix, unless it has received authority from the House to consider that evidence.

Clearly, evidence already taken before a committee in a previous session may be referred back to a committee in a new session with the authority of the Senate. Citation 875 specifically indicates that this is acceptable. It provides that only where the authority of the Senate is not given, the committee cannot report this evidence except in an appendix. Obtaining the authorization of the Senate for the Standing Senate Committee on Legal and Constitutional Affairs to consider the evidence taken on Bill S-17 in the last session in its study in the current session of Bill S-6 would mean the committee could make full use of evidence already gathered.

The British practice also supports the acceptability of my motion. The 22nd edition of *Erskine May*, on page 635 and 669, provides that reports or minutes of evidence of previous committees that have lapsed are frequently referred to later

committees continuing inquiries left uncompleted because of prorogation.

In addition, over 10 precedents exist for this practice in the last 10 years, one of which I drew the attention of honourable senators to on November 3.

The reason for the acceptability of this practice is obvious. As I mentioned the last time the matter was raised by me in the Senate, allowing reports and evidence already taken by a committee in a previous session to be referred to a committee studying the same issue in a new session saves time and money and is, therefore, efficient. Why require a committee to recall witnesses who have already testified on a matter? We are wasting their time and the taxpayers' money. Some of these witnesses testified at the expense of the Senate and we would have to recall them again at the expense of the Senate. In addition, the honourable members of the committee have already given much of their valuable time to hear these witnesses and study the issues. Why should we require them to give up more of their time to hear only the same evidence again? There is no reason to have to do this given that the precedents have already been set for allowing the kind of motion I moved on Bill S-6.

I also examined the references in *Beauchesne* to instructions to committees in order to attempt to understand the concern Senator Cools raised in this regard. The references can be found on pages 203 and 204, paragraphs 681 to 685. In the 22nd edition of *Erskine May*, instructions are discussed at pages 515 to 519.

Honourable senators, the motion I moved is not in the nature of an instruction as understood in *Beauchesne* and *Erskine May*. An instruction is defined as a motion empowering a committee to do something it could not otherwise do or to direct it to do something it might not otherwise do.

The authorities list the types of instructions that are admissible. These include dividing a bill into two or more bills, consolidating bills into one, giving priority to a portion of a bill, and giving a committee the power to adjourn from place to place within and outside of Canada.

The authorities also discuss the types of instructions that are inadmissible. Paragraph 687 on page 204 of *Beauchesne* provides that:

No Instruction is permissible which is irrelevant, foreign, contradictory or superfluous to the contents of the bill.

The motion that I moved is not empowering the committee to do something that it would not otherwise have the power to do. All committees have the power to call witnesses and to take evidence. The only thing the Senate is authorizing the committee to do is to make use of evidence already received by a committee in a previous session in its current study of a bill.

The procedural authorities and Senate practice clearly demonstrate the acceptability of my motion. Logic and efficiency justify its continued use.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY DEVELOPMENTS RESPECTING EUTHANASIA AND ASSISTED SUICIDE— DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of November 18, 1999, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon developments since the tabling in June 1995 of the final report of the Special Senate Committee on Euthanasia and Assisted Suicide, entitled: "Of Life and Death." In particular, the Committee shall be authorized to examine:

1. The progress on the implementation of the unanimous recommendations made in the report;
2. Developments in Canada respecting the issues dealt with in the report;
3. Developments in foreign jurisdictions respecting the issues dealt with in the report; and

That the Committee submit its final report no later than June 6, 2000.

She said: Honourable senators, just so there is clarity among members of the chamber with respect to the objective of this committee, I wish senators to understand that in the period between June of 1995 to the present, some 10,000 copies of the report "Of Life and Death" have been distributed. It has now become the subject of a number of medical school courses and is actually used as part of their textual materials with respect to the issues of euthanasia and assisted suicide. However, it is not my intention to re-examine the principal decisions of this study with respect to euthanasia and assisted suicide because they were not unanimous decisions. It is my hope that this study will examine only the unanimous decisions that were made.

Honourable senators, I perceive that the scope of the study, provided that this motion meets the approval of the Senate, would do the following things. It would update the status of palliative care in Canada, including the progress of the implementation of the 1995 committee's unanimous recommendations. It would update the status of pain control and sedation practices in Canada, including the progress of the implementation of the 1995 committee's unanimous recommendations. It would update the status of the withholding

and the withdrawing of life-sustaining treatment in Canada, including the progress of implementation of the 1995 committee's unanimous recommendations. It would update the status of advanced directives in Canada, including the progress and implementation of the 1995 committee's unanimous recommendations. I would update progress on the implementation of the unanimous recommendation that research be undertaken on requests for assisted suicide in Canada. It would update progress on the implementation of the unanimous recommendation that research be undertaken on requests for euthanasia in Canada. It would update progress on the implementation of a unanimous recommendation that a new Criminal Code charge of third degree murder be created. As well, it would update, where appropriate, information contained in the appendices to the report, including major events, court decisions and developments in foreign jurisdictions.

• (1650)

Honourable senators, I do not think that we need to go outside the Library of Parliament for staffing for this particular committee study. We have very competent researchers in the Library of Parliament, researchers who are knowledgeable on this issue. In addition, I recommend that the committee consist of five members. It would be my hope that we could begin this process almost immediately — that is, if it meets with the approval of the Senate — and that we would be easily able to table our report on June 6, 2000. Travel is not foreseen, honourable senators, although I would like to see some use made of video-conferencing.

I have asked the committee clerk to prepare a budget, which was always of interest to me in my other life. We would anticipate that the budget for the year ending March 31, 2000 would be about \$8,000 and that the budget for the remaining work would be about \$3,000. In total, the entire study would cost about \$11,000.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, would the Honourable Senator Carstairs entertain a question for clarification?

Senator Carstairs: Yes.

Senator Kinsella: The motion that is before us is for the Standing Senate Committee on Social Affairs, Science and Technology to undertake this activity. Is it your expectation that the committee would exercise the authority it has in the rules to designate a number of the members of that committee to form the group that would be doing the study?

Senator Carstairs: Yes, it would. The situation at the moment is that there are two members of the original committee sitting on the Social Affairs Committee, namely, Senator Lavoie-Roux and myself. I would also hope that they would be joined, when we were meeting in these discussions, not only by the five members of the Social Affairs Committee but also by the Honourable Senators Corbin, Keon, DeWare and Beaudoin. I have spoken to those senators and they have indicated that they would like to have some role in that ongoing study.

Senator Kinsella: Honourable senators, I certainly concur in Senator Carstairs' observations on this matter. I happen to use that particular report on life and death when I teach at university. I have discovered that students do not have to go to American literature for information. They report back to me and the essays that I read demonstrate that they learn a great deal from that report. The report was an excellent one. I believe it is a good decision to update it. By doing so, we will then have a continuing effective contribution in such a critical area.

On motion of Senator Kinsella, debate adjourned.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Leo E. Kolber, pursuant to notice of November 18, 1999, moved:

That, the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First Session of the Thirty-sixth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee;

That the Committee be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That notwithstanding usual practices, the Committee be permitted to deposit an interim report on the said subject with the Clerk of the Senate, if the Senate is not sitting, and that the said report shall thereupon be deemed to have been tabled in the Chamber; and

That the Committee submit its final report no later than December 31, 2000.

Motion agreed to.

The Senate adjourned until Wednesday, November 24, 1999, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, November 24, 1999

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, November 24, 1999

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Lise Bacon: Honourable senators, you have received notice of a question of privilege I raised in accordance with rule 43(5), which reads as follows:

Immediately upon receipt of a notice required in sections (3) and (4) above, the Clerk of the Senate shall arrange for the immediate translation and dispatch, to each Senator's office address in Ottawa, of a copy of the original notice and the translation.

I assume that all senators have received this notice. The question of privilege concerns certain leaks to the media, including today's leak to *Le Soleil* in Quebec City and *The Toronto Star*, of the second draft of the report by the Standing Committee on Transport and Communications on the reorganization of the airline industry in Canada.

It is my intention today to address this question at the appropriate time and to propose that the matter be referred to the Standing Senate Committee on Privileges, Standing Rules and Orders.

THE LATE JEANNINE SÉGUIN THE LATE OMER DESLAURIERS

TRIBUTES

Hon. Jean-Robert Gauthier: Honourable senators, I was saddened to learn of the death of Jeannine Séguin, a teacher by training. She was considered one of the most steadfast pillars of the local, national and international francophone community.

Francophone Ontario, especially, has lost a leader, and Canada is mourning the passing of a strong woman, who had a hand in French-language education from the Maritimes to the Prairies.

I knew Jeannine Séguin and I honour her today for her devotion to the francophone cause. She chaired the Association

des enseignants franco-ontariens, the Association canadienne-française de l'Ontario and the Fédération des communautés francophones et acadienne du Canada.

She distinguished herself through her great determination, her perseverance and her exceptional sense of the workings of politics. She devoted her life to education, promoting Canadian unity and the development of French-language educational institutions. This year has seen the departure of two great defenders of the Ontario francophone community.

In the spring, we lost Omer Deslauriers. This man, like Jeannine Séguin, distinguished himself through his involvement in making education and health services accessible to Ontario francophones.

We mourn today two people who have left their mark on our community.

[English]

TENTH ANNIVERSARY OF PLEDGE TO ERADICATE CHILD POVERTY

Hon. Erminie J. Cohen: Honourable senators, 10 years ago today, on November 24, 1989, an all-party resolution was passed in the other place to eradicate child poverty by the year 2000. Instead of being eliminated, child poverty has increased by 60 per cent in the last decade. Approximately 460,000 more children are in desperate need. Our efforts to eradicate child poverty have been deplorable.

Last night I attended a silent vigil at the Eternal Flame to mourn the failure of Canada's Parliament to meet its promised commitment to poor children. I speak today, honourable senators, on behalf of those hundreds of thousands of children across this rich land who continue to live in poverty, go to school hungry and live in substandard housing. They depended on the government to keep Parliament's word and fulfil their promise, but the promise was broken.

In the past decade, high unemployment was cited as one of the major causes for the growing number of children with needs. Still, as unemployment rates began to drop, child poverty continued to rise. Why? Most of the new jobs created are low-wage, part-time or contract jobs that offer limited benefits or none at all. With 50 per cent of all marriages ending in divorce, many single mothers are struggling to make ends meet. In New Brunswick, a single mother with one child receives \$739 a month in social assistance. Out of these meagre funds she is expected to feed, clothe and shelter both herself and her child.

Poor children awaken every morning to face the same bleak reality. How can they focus on learning when their living conditions are so poor? They are robbed of a carefree childhood. We see evidence of anxiety, poor health, anti-social behaviour and delayed vocabulary development. This is unacceptable in a country that prides itself on a superior standard of living. The rate of poverty in Canada is almost a scandal.

In the past decade, honourable senators, the government has drastically reduced funding to the provinces for the basic necessities — dollars that provided for social services, decent housing, health care and education. UI reform has been hardest on women whose qualifications for benefits hit an all-time low last year. Deficits were eliminated at the expense of social programs. In fact, our national policies have all but abandoned our children in recent years.

As we approach a new millennium, I implore the government to deliver on a promise to our children that never should have been broken. We have a glimmer of hope with the \$6 million recently announced for social housing. Let us add more dollars to that amount to be spent on long-term investments, income support and services for children to alleviate homelessness and to revisit employment insurance in the form of loosening the requirements and expanding the numbers who qualify. Let us take a hard look at federal leadership in relation to the provinces in the delivery of social programs. Discussion should not be about federal and provincial powers and who does what, but about what governments can do together to help people in need, lest we forget that the children of today will be the leaders and taxpayers of tomorrow. They deserve much better. We owe it to them and we owe it to Canada.

• (1340)

ROUTINE PROCEEDINGS

LEGAL AND CONSTITUTIONAL AFFAIRS

FIRST REPORT OF COMMITTEE TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

ABORIGINAL PEOPLES

FIRST REPORT OF COMMITTEE TABLED

Hon. Charlie Watt: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first

report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

FIRST REPORT OF COMMITTEE TABLED

Hon. Mira Spivak: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

PRIVILEGES, STANDING RULES AND ORDERS

FIRST REPORT OF COMMITTEE TABLED

Hon. Jack Austin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Privileges, Standing Rules and Orders, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin, Chairman of the Standing Committee on Privileges, Standing Rules and Orders, presented the following report:

Wednesday, November 24, 1999

The Standing Committee on Privileges, Standing Rules and Orders has the honour to present its

SECOND REPORT

Your Committee, in accordance with rule 108, and upon the request of its sponsor, the Honourable Senator Taylor, recommends the suspension of rule 106 in connection with a proposed private bill intitled: "An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America."

Respectfully submitted,

JACK AUSTIN
Chairman

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Austin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Jack Austin, Chairman of the Standing Committee on Privileges, Standing Rules and Orders, presented the following report:

Wednesday, November 24, 1999

The Standing Committee on Privileges, Standing Rules and Orders has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on October 13, 1999 to examine the question of privilege raised by the Honourable Senator Kinsella concerning a witness who appeared before the Standing Senate Committee on Agriculture and Forestry requests that, notwithstanding rule 92(2), it be empowered to hold its meetings *in camera* for the purpose of hearing witnesses.

Respectfully submitted,

JACK AUSTIN
Chairman

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

Senator Austin: With leave, now.

Hon. John Lynch-Staunton (Leader of the Opposition): No.

On motion of Senator Austin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL FINANCE

FIRST REPORT OF COMMITTEE TABLED

Hon. Lowell Murray: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on National Finance, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS BILL

NOTICE OF MOTION TO INSTRUCT THE STANDING COMMITTEE TO WHICH THE BILL IS REFERRED TO DIVIDE BILL INTO TWO BILLS

Hon. Lowell Murray: Honourable senators, I give notice that tomorrow, Thursday, November 25, 1999, I will move:

That it be an instruction to the standing Senate committee to which Bill C-6 will be referred that they have the power to divide Bill C-6, An Act to support and promote electronic commerce by protecting personal information that is collected, used, or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act, into two Bills; the first consisting of Part 1 and schedule 1 with Titles and a coming into force clause and the second consisting of the remainder of the Bill and schedules 2 and 3 with Titles; that any proceedings on the second Bill may stand postponed until after the consideration of the first Bill; that either Bill may be reported to the Senate as soon as it is considered; and that, notwithstanding the usual practice, the Senate give this instruction at any time while the Bill is before the Senate, even after committee consideration of the Bill has commenced.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Lorna Milne: Honourable senators, I give notice that on Thursday, November 25, 1999, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Lorna Milne: Honourable senators, I give notice that on Thursday, November 25, 1999, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Hon. Michael Kirby: Honourable senators, I give notice that on Thursday next, November 25, 1999, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit while the Senate is sitting on Monday, November 29, Tuesday, November 30, and Wednesday, December 1, 1999, and that rule 95(4) be suspended in relation thereto.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Leo E. Kolber: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, may I ask the chairman why the committee must sit today? Leave has been granted, but may we find out why this is so important?

Senator Kolber: The Banking Committee is starting today a study on the capital gains problems in this country, and we have very little time in which to complete the study, as we wish to finish a preliminary report before the end of the year.

• (1350)

Professor Reuven Brenner has written one of the seminal pieces on the subject and, with short notice, he has been able to come to Ottawa to appear before our committee. If we are to do our job, we believe we should start our study quickly.

Senator Lynch-Staunton: I do not object to that, but perhaps chairmen who want their committees to sit while the Senate is sitting could give us more warning than the one we are getting now. It puts us and the witnesses in an embarrassing position. The work of senators is primarily to be in this chamber. The schedule of committees is to be honoured, as was laid out before

senators took on their new jobs as chairmen and deputy chairmen and members.

We on this side — unless there is an urgency, and I will accept that this may be one — will not be too sympathetic to giving leave, thus taking senators away from the chamber, where they should be while the Senate is sitting.

Senator Kolber: Honourable senators, I have no doubt that our first responsibility is to be in the chamber. We also have a responsibility to get the work done. There are few days left in which to do that work. I have been told, as chairman, that this is our time slot, namely, 3:30 p.m. on Wednesdays. If that is to be changed, I would appreciate knowing beforehand because it puts us in a bind with respect to your problem and with getting witnesses to appear, who are coming and giving of their time. For the most part, these witnesses are well-known experts in their field.

Honourable senators, I am in your hands. If the honourable senator opposite wishes to meet with our leadership to change the committee's time slot, so be it. If he does not wish us to do our work, so be it. However, if we are to do our work, we should at least have a chance to get at it.

Senator Lynch-Staunton: Honourable senators, if the chairman has problems with the time slots, we could accommodate him by giving him a slot on Monday or Friday, or any evening during the week.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MATTERS RELATED TO MANDATE

Hon. Mira Spivak: Honourable senators, I give notice that tomorrow, Thursday, November 25, 1999, I will move:

That the Standing Senate Committee on Energy, the Environment, and Natural Resources, in accordance with rule 86(1)(p), be authorized to examine such issues as may arise from time to time relating to energy, the environment, and natural resources generally in Canada; and

That the Committee report to the Senate no later than March 31, 2000.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES AND TRAVEL

Hon. Mira Spivak: Honourable senators, I give notice that tomorrow, Thursday, November 25, 1999, I will move:

That the Standing Senate Committee on Energy, the Environment, and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Mira Spivak: Honourable senators, I give notice that tomorrow, Thursday, November 25, 1999, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

CENSUS RECORDS

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present a petition, with 190 signatures, from the Ontario Genealogical Society, petitioning the following:

...your petitioners call upon Parliament to enact legislation to preserve the Post 1901 Census Records, remove them to the National Archives and make these, as well as future Census Records, available to the public after 92 years as is presently consistent with the many provisions of privacy legislation and time limits now in force.

QUESTION PERIOD

FOREIGN AFFAIRS

INCREASE IN CAPITAL EXPENDITURES IN SUPPLEMENTARY ESTIMATES (A)—POSSIBLE OPENING OF NEW EMBASSIES

Hon. Terry Stratton: Honourable senators, I have a question for the Leader of the Government in the Senate.

We had the distinct pleasure of meeting with representatives of the Treasury Board earlier this week to review the Supplementary Estimates (A). In part, we discussed

appropriations to the Department of Foreign Affairs and International Trade. Have we opened any new embassies or consulates around the world, or are we in the process of doing so? I understand that we are building a new embassy in Berlin due to the change in location of the capital of Germany from Bonn to Berlin.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, as the honourable senator would appreciate, I do not have that information at hand. However, I will undertake to speak to the minister and provide the information to the honourable senator and to this chamber, if not tomorrow, early next week.

Senator Stratton: I would appreciate that very much.

The reason, in part, for asking this question is that capital expenditures for Foreign Affairs in the original budget Estimates were \$87,690,000. The new appropriation is \$43,875,000, for a total of \$131,565,000. In other words, the appropriation has increased by approximately 50 per cent since the original budget.

I understand the embassy in Berlin costs approximately \$71 million and that the costs have escalated. However, that still leaves \$60 million unaccounted for in the sense that we do not know where those costs arise. We have asked officials from the Treasury Board for a response in that regard. It may be more appropriate for the honourable leader to go to Treasury Board, obtain that information from them and table it here in this place, because I am curious as to where we are spending this \$60 million.

Senator Tkachuk: That makes a real nice residence.

Senator Boudreau: Honourable senators, I will make inquiries on behalf of the honourable senator and bring back to this chamber any information I am able to obtain.

JUSTICE

COST OF GUN REGISTRATION PROGRAM— RESPONSIBILITY OF MINISTER

Hon. David Tkachuk: Honourable senators, at the same meeting yesterday morning, Mr. Neville of the Treasury Board gave evidence on the Supplementary Estimates (A), specifically regarding the gun registration program. I asked him a number of questions about why an extra \$35 million was needed when \$40 million had been allocated in the original Estimates. Mr. Neville then calculated the cost of the gun registration program since 1995. Even I was shocked at the amount, which was \$309 million.

The government should know that this outrageous amount is what many parliamentarians and people opposed to the gun registration program were telling the government in 1994 and 1995 — namely, that its Estimates were far too low and that the program would cost hundreds of millions of dollars. We were all pooh-poohed by the government and told that we did not know what we were talking about.

The minister, Mr. Rock, said that the amount would be only \$85 million, which would take us to the end of the registration program, from 1995 to 2001. The figure is now \$309 million, with no end in sight. The other question I asked was: Who is responsible for this situation? Mr. Neville said that the minister is responsible.

• (1400)

Does the Leader of the Government share the view that Minister Rock is responsible for this tremendous miscalculation that is costing Canadian taxpayers hundreds of millions of dollars?

Senator Boudreau: Honourable senators, I take a slightly different interpretation of the response which was received from the senior official. However, a minister is responsible for everything within the realm of his department, and that is the theory upon which our democracy operates.

Senator Forrestall: Why does he not accept that responsibility, then?

Senator Boudreau: I realize that difficulties have been identified with respect to the registration process.

Senator Tkachuk: They were identified three years ago.

Senator Boudreau: In fact, a review was done this past May and recommendations were made to improve the operation. Three quarters of all of the recommended service improvements have been implemented. We are now seeing an increased efficiency in the processing of applications.

The numbers I have indicate that 8,500 licences are being processed and 35,000 guns are being registered per month. That does not specifically address the honourable senator's item, but it does indicate that a review of the process has taken place, improvements have been implemented and the system appears to be working.

Senator Tkachuk: Honourable senators, this is what always happens. I asked the officials: Who is responsible for this tremendous miscalculation? The officials said it is the minister. I come here and ask the Leader of the Government who is responsible and he says that of course, the minister is always responsible, but we had all these problems. No one is ever responsible because if he were responsible, he would resign.

Senator Forrestall: Hear, hear!

Senator Tkachuk: He has either deceived us or he was incredibly incompetent. He cannot have it both ways. If he does not resign, he says, "I am not responsible." Who is responsible in the bureaucracy? We have a right to know, just in case they promote the guy to Deputy Minister of Finance or Secretary of the Treasury Board. That is possible, too.

Perhaps the minister could inform us, if the minister is responsible, as he says, and he makes this tremendous mistake,

what price should he pay? Why has he not resigned? If he is not responsible, who in the bureaucracy is responsible? Perhaps the minister should launch a formal investigation to inform parliamentarians of who did this.

Some Hon. Senators: Hear, hear!

Senator Boudreau: Honourable senators, I understand the honourable senator's concerns regarding the overexpenditures of this particular program. I will certainly convey that concern to the minister, along with the honourable senators's inquiries. If there is any further information that I can provide to the honourable senator, I certainly will.

Hon. Terry Stratton: Honourable senators, I have a supplementary question. The original estimate was \$85 million and it is now estimated to be \$301 million. Surely, the government now has an idea of what the overall cost will be. Will it be \$600 million, \$800 million, \$1 billion? Could you not tell this chamber the final estimated costs?

Senator Boudreau: Honourable senators, I will certainly raise the matter with the minister responsible and provide any new information that is available to this chamber.

[Translation]

INTERGOVERNMENTAL AFFAIRS

QUEBEC—POSSIBLE CONDITIONS OF REFERENDUM— IMPACT OF GOVERNMENT INITIATIVE

Hon. Jean-Claude Rivest: Honourable senators, while Canadians are worrying about economic and social issues, the Government of Canada has chosen, with one of its nice little improvisations, to artificially move the referendum question at the top of the agenda. This impacts considerably on Quebec. Economic and social issues are shunted aside as a result, and the referendum is again being discussed.

Why has the Government of Canada decided at this point to bring this issue again to the forefront of Canadian politics?

[English]

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, if the Canadian government feels that it is appropriate to express its view on an issue as fundamental as this one, then clarity is an absolute necessity. Clarity is required both with respect to the nature of the question and with respect to the result that is required to proceed.

As to the best time to bring this issue forward publicly and give a clear government, no one time is preferable to another since the issue is not immediately before us. Perhaps the government and the Prime Minister feel that this is an appropriate time, when we are not in the heat of battle, to provide the Government of Canada's views on these very important issues.

[Translation]

Senator Rivest: Honourable senators, in the short term, and I do not know whether the minister is aware of this, the Prime Minister of Canada's initiative to raise this issue at this time seems unfortunately to be working in favour of the sovereignist option in Quebec. I do not know how the Canadian government perceives his initiative. There is much being said about a clear question. Are the minister and the Government of Canada aware that their initiative — seemingly a unilateral one — far from adding to the cohesion of federalist forces in Quebec, is instead unfortunately adding to the confusion of those who need to defend the Canadian option in Quebec? In the National Assembly this afternoon, Quebec Liberal Party leader Jean Charest dissociated himself publicly from the initiative taken by the Prime Minister of Canada.

Does the government think this unilateral approach to the referendum debate is good for Canadian unity? Would it not be preferable for the Government of Canada, the Government of Quebec and those of all the other provinces to show an attitude of open-mindedness and understanding in order to convince Quebecers to choose the Canadian option? Some Quebecers who are half-heartedly in favour of sovereignty would no doubt prefer the Canadian option. They must not be given arguments to the contrary.

If a referendum were held in Quebec now, we would have the Parti Québécois on one side and Jean Chrétien on the other. Jean Charest and the Quebec Liberal Party would not really know which side to take. By formally raising the referendum issue without consulting the main spokesman for the federalist forces in Quebec, namely the Liberal Party of Quebec, are we helping Canadian unity? By proceeding unilaterally, we are destabilizing the Quebec Liberal Party and the federalist forces in Quebec. I hope that this unfortunate incident will be forgotten by January or February 2000.

Could the minister convince his cabinet colleagues, and particularly the Prime Minister and the Minister or Intergovernmental Affairs, to avoid taking actions that play into the hands of the separatists promoting Quebec's sovereignty? Could the minister try to encourage his colleagues to work in a positive and normal fashion with Quebec federalists to strengthen the federalist option in that province, instead of weakening it, as was unfortunately the case this week?

[English]

Senator Boudreau: Honourable senators, it is clear that the Prime Minister views this issue as important and fundamental to the future of the country. His view with respect to referenda and separation is beyond question.

The federal government and the Prime Minister are clearly of the view that, if there is never another referendum in Quebec, that will be all to the benefit of the people of Canada, including the people of Quebec. On this point, our colleague in Quebec, Jean Charest, is in full agreement, as I suspect we all are. On that fundamental issue, there is no disagreement.

• (1410)

Out of respect for the people of Quebec who would vote in a possible future referendum, we would have a role to play to ensure that the question is clear. It is important that we express that view, and I think it is the opinion of the Prime Minister that that view must be expressed.

There are those who would say that the Government of Canada should be a bystander, a voyeur, in any referendum process in Quebec, regardless of how confusing the question might be or how questionable the result. The Prime Minister does not take that view, the Government of Canada does not take that view, and I personally do not take that view. I do not think many people in the Senate take that view.

We must be very sensitive to issues such as those the senator raised. We must also ensure that the people of Quebec are respected with regard to both the question and their decision. However, that does not mean that the Government of Canada cannot take a clear view and a clear position on the issue.

[Translation]

Senator Rivest: Is the Leader of the Government in the Senate suggesting that during the 1980 referendum, the Right Honourable Pierre Elliott Trudeau was a mere bystander?

[English]

Senator Boudreau: Honourable senators, there are people in Quebec, including some very partisan separatists, who would have the Government of Canada express no view in this matter but simply stand to the side. The Prime Minister of Canada is not prepared to do that, and personally, I am glad that he is not prepared to do that.

Hon. John Lynch-Staunton, Leader of the Opposition: Honourable senators, we are trying to determine to what extent the Government of Canada expects to involve itself in a referendum process in Quebec. We have received mixed signals. Should the government be unhappy with the question prepared and approved by the National Assembly, will it superimpose its own question? The word "clarity" comes up repeatedly. In the final analysis, who will determine which question meets the test of clarity? Will it be the Government of Canada or the National Assembly of Quebec?

Senator Boudreau: Honourable senators, the Supreme Court, in its very wise decision, indicated that there is a role in the process for the Government of Canada.

Last evening, I had the opportunity to hear the comments the Prime Minister made yesterday during Question Period in the other place. He has made the point very clearly, as I have attempted to do here, albeit less eloquently. We will, as a government, express a view with respect to clarity, and that view may be expressed in a number of ways.

Discussions are ongoing, as the Prime Minister indicated, and I am sure that when he is ready, his views, on behalf of the Government of Canada, will be known in more detail. At that time, I will be happy to provide more detail than I am able to give today.

Senator Lynch-Staunton: Honourable senators, I remind the minister that it was not a judgment or decision of the Supreme Court but an opinion, and that no directives were given to any government. The Supreme Court was asked to rule on three questions referred to it by the Government of Canada. I also remind the minister that the Province of Quebec refused to appear before the Supreme Court and that a lawyer was appointed by the court to represent the province.

Three answers were given, "No, no, no." Unfortunately, in my opinion, the Supreme Court went far beyond the reference and decided to establish certain guidelines regarding whatever the question and answer might be. In my opinion, that, sadly, gave legitimacy to the separation process. Thanks to the Supreme Court, for the first time, it became legitimate to discuss the possibility of separation, because the court established guidelines and rules for how the referendum process should be carried out and what should happen should the result be against Canada. I believe that that went beyond the mandate of the Supreme Court.

In any event, why does the Government of Canada not tell us what question it would find acceptable, tell the Government of Quebec that the response to this question is the only response to which it will give credibility, and then let Quebecers decide? What is the question that the Government of Canada believes should be asked of Quebecers?

Senator Boudreau: Honourable senators, if it ever comes to this, I assume that the question will be initiated by the Quebec National Assembly. I do not anticipate that the Government of Canada will be interested in creating a question for submission to the people of Quebec on the issue of separation.

With respect to the Supreme Court decision, that is a matter of opinion. The Honourable Senator Lynch-Staunton has given his opinion of the comments made by the Supreme Court. I think that many believe that those comments have been very useful and have indicated the type of involvement the people of Canada want their government to have in any process that may arise in the future. It is hoped that such a process will never arise. For the benefit of the people of Quebec and all of Canada, may there never be another referendum question.

THE ECONOMY

PURCHASE OF MAJOR COMPANIES BY UNITED STATES FIRMS—GOVERNMENT POLICY

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. Last year, the government turned down the proposed merger of

Canada's leading banks. We now know that this political decision has done irreparable damage to the Canadian economy. This government has failed to produce a white paper or legislation that will free our leading financial institutions of regulatory burden to permit them to compete internationally.

In today's *Financial Post*, Peter Godsoe, the highly respected Chairman and CEO of ScotiaBank, expresses deep concerns for the future of Canada's major corporations. Mr. Godsoe said that our large, widely held companies must compete with the best of the Americas and that we must have public policies that do not penalize them but encourage them to be competitive externally.

Will the honourable Leader of the Government tell us what plan this government has for a public policy debate that will ensure that some of our leading major companies can stay in Canada and not be bought up by American companies?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, with the emergence of the global economy, there has been an increased flow of investment into Canadian companies from the United States. There has been a corresponding flow of substantial investment by Canadians into American firms. Investment flows both ways across the border. I cannot put my hands on the figures immediately, but I undertake to provide them to the honourable senator when I can get them. There are some who are very concerned about American investment in particular sectors of our economy. Other sectors of our economy would be very glad to have investment from any source. I refer in particular to businesses in my and the Honourable Senator Oliver's native province.

Senator Oliver: Honourable senators, last week, former Alberta premier and well-respected corporate director Peter Lougheed warned Canadians that our economic sovereignty is being eroded by the devalued dollar and high taxes. There are other reports in our newspapers that some senior ministers in the government fear that the Prime Minister is blocking debate on the future of our economy. Mr. Godsoe has asked the government if it will commence a national policy debate on the role of our large companies. Will the Leader of the Government initiate such a debate?

• (1420)

Senator Boudreau: Honourable senators, the Prime Minister is available on a daily basis in the other place for questioning on this topic. As well, there is an opportunity for debate in that context, as there is here for that matter.

With respect to the question concerning increased U.S. investment in Canadian companies, in some instances it may be a matter of concern, while in others it is quite considerably a matter of opportunity. For areas of the country and specific sectors of our economy that have not had investment from any source in the past, increased American investment is most welcome.

INTERGOVERNMENTAL AFFAIRS

QUEBEC—POSSIBLE APPROACH TO INTRODUCTION OF CONDITIONS OF REFERENDUM

Hon. Lowell Murray: Honourable senators, my question is supplementary to those concerning the intentions of the government with regard to possible future referenda in Quebec.

It is clear from what the leader has said, along with statements made by the Prime Minister and Mr. Dion, that some action is planned by the government. How does the government intend to proceed? Will it be by way of a bill, by way of a resolution, or by way of a simple policy statement?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, it is clear that some action is being seriously contemplated by the government. Indeed, the Prime Minister indicated last evening in a public interview, which I had the opportunity to see, that some action with respect to the federal government's view on the issue of clarity might be done any number of ways. The three that the Prime Minister mentioned in his response were by way of legislation, by resolution or through a public policy statement put forward by either the Prime Minister or some other senior government member. The Prime Minister indicated that the discussion was ongoing and that he was not in a position to indicate at this time how the government might contemplate making its views known. I can add no more to what the Prime Minister said.

QUEBEC—POSSIBLE CONDITIONS OF REFERENDUM— INVOLVEMENT OF OTHER PROVINCES

Hon. Lowell Murray: Honourable senators, my second question concerns what the minister referred to as the "ongoing discussions". Specifically, I should like to know whether these ongoing discussions involve the provinces. In the Supreme Court's response to the reference of the government there was reference to all the partners to Confederation. Am I right in assuming that, in the view of the government, all the partners includes 10 provinces and the federal government?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the specific reference that the Prime Minister made was to discussions which were occurring among his colleagues and himself. To what extent there were further discussions, if any, I am not aware at the moment.

In fact, yesterday, I indicated that it would not surprise me if provinces, as well, were interested in expressing their views on issues of clarity. However, that is pure speculation on my part at this point. I cannot give a specific answer to the honourable senator's question.

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, the 30-minute Question Period is now over. Is leave granted to continue?

Hon. Senators: Agreed.

[English]

NATIONAL DEFENCE

1994 WHITE PAPER—GOVERNMENT POLICY

Hon. J. Michael Forrestall: Honourable senators, I wish to clarify whether or not the defence white paper of 1994 remains the definitive statement and position of the present government on matters of defence. If that view has changed, has there been any notice given to Parliament or any formal consultation with the public?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I believe the honourable senator asked me the same question yesterday afternoon. I indicated to him at that time that it would be helpful if he indicated a specific area of concern as to whether or not that policy had changed. Then I might be able to get the honourable senator a response very quickly.

REPLACEMENT OF SEA KING HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, I should like to ask a general question, then, of the minister. Has there been any policy change? I am concerned about helicopters.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, as we discussed previously this program is the top priority for the Minister of National Defence. Certainly, it is an initiative that I support and encourage. I hope that we will be able to say something positive in the near future.

Senator Forrestall: Honourable senators, yesterday, in the other place, the Parliamentary Secretary to the Minister of National Defence had this to say with regard to the matter:

It is on the minister's desk, and it is up to him to make a decision.

You tell us that it is a priority. Why will the minister not make a decision? Is it because there has been a change in defence policy? The minister's policy briefing in this respect sets forth very clearly the timetable for the replacement of the shipborne Sea Kings. Which is it? Why has a decision not been made, if the statement of requirement is a priority and is on the minister's desk for initialling? An office has been set up to deal with the matter. I should like to know what it costs to maintain an office that is doing nothing. It is like maintaining an old railway coach in case someone wants to go for a drive in it once a year. What is the answer?

Senator Boudreau: Honourable senators, I appreciate the concern of the honourable senator on this issue.

Senator Forrestall: No, I do not think you do.

Senator Boudreau: On a regular basis, I convey his representations to the honourable minister, who reassures me, on each occasion I do so, that it remains his top priority. Hopefully, we will be able to respond with a positive result in the near future.

Senator Forrestall: Honourable senators, November 4 was when I last asked a question with respect to this matter. The Sea King's life expectancy ends in 2005. It will be eight years before they are replaced, leaving us a three-year gap with no helicopters. There are a number of options. I am curious as to whether or not the government will send our ships to sea without helicopters. Will they borrow some helicopters from the United States navy? Will the department start yet another upgrade — God forbid — on the Sea King that could possibly put ships and crews in peril? What will the government do and when does it intend to make an announcement about it?

Senator Boudreau: Honourable senators, the minister is well aware of all the alternatives, including the ones that the honourable senator has mentioned. Hopefully, the matter will be brought forward as quickly as possible. That is as good and complete an answer as I can give the honourable senator at this time.

CLOSING OF CFB CORNWALLIS—REMOVAL OF
MEMORIAL WINDOWS FROM ST. GEORGE'S CHAPEL

Hon. Gerald J. Comeau: Honourable senators, last week I asked the Leader of the Government in the Senate a question concerning the removal of the stained glass windows from the chapel at Cornwallis. He responded by saying that there were more people in the capital city of Nova Scotia and, therefore, it would be better that the windows be maintained where more people can see them.

At that time, I was not able to pursue the matter any further. However, I am offended by that excuse. Based on that logic, does that mean that all moveable treasures from the non-urban regions of Nova Scotia should be moved to Halifax? If we were to follow that logic to the end, perhaps we should move the Evangeline statue from Grand Pré over to Halifax where more people would see it.

• (1430)

The Honourable Senator Boudreau, who has now moved to Halifax, should know that it is offensive to all non-Haligonians to suggest that the stained glass windows should be moved to Halifax from Cornwallis because there are more people in Halifax.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, my answer was not cast in quite such stark tones as the honourable senator indicated.

As I understand it, the facility in which the windows were previously located was virtually unused almost all year, used

perhaps on only one or two occasions throughout the year. It was not a question of the volume of people going through; it was a question of taking the windows from a facility which was being used sporadically to a facility which was being used regularly.

Senator Comeau: Honourable senators, I have a final supplementary question. I know the minister is receiving quite a bit of information, from veterans who went through Cornwallis and who paid for the windows, with respect to the undertaking that was made to them by the Department of National Defence, that the windows would be returned once the facility was put in place. I do hope that the minister will look at this issue seriously. Although he may be considering running in a Halifax seat in the next election — Halifax West, I hear — he should not let this cloud his good judgment.

Much as I love the city of Halifax, one of the nicest cities in all of Canada, I still suggest that the non-urban areas of Nova Scotia cannot afford to lose their local treasures.

Senator Boudreau: Honourable senators, I would disagree with the honourable senator on one item and agree with him on another. On the question of Halifax being one of the most beautiful cities in Canada, I would disagree. I regard it as the most beautiful city in the world.

Senator Kinsella: Why? What is wrong with Ottawa?

Senator Boudreau: With respect to the general principle over which the honourable senator expresses concern, I do not think we want to see any wholesale movement of the heritage of Nova Scotia into a central area, so I will re-examine this issue.

Senator Forrestall: Have you found the pews yet, minister?

Senator Boudreau: I must also put on the record a denial that I have selected any seat for future contest.

ORDERS OF THE DAY

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Lewis, for the second reading of Bill C-6, to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise to speak to Bill C-6. As my comments unfold, honourable senators will see that they are not a formal presentation on the bill.

This is a bill that has been on the Order Paper for some time and has been the subject of some very good debate. I congratulate the sponsor of the bill, Senator Kirby, as well as Senators Murray, Finestone, Oliver and Keon for their important contributions to the Senate's understanding of the bill. From their speeches, I heard general support for the bill, with, however, some expressions of concern, highlighted in particular by a notice of motion given earlier today by Senator Murray.

I should like to speak mostly with respect to the process involved in dealing with Bill C-6. Speaking as Deputy Leader of the Government in the Senate, I must say that we are very anxious to see this bill go to committee. I personally have received a number of representations — as I am sure have all honourable senators — from potential witnesses who wish to appear before the committee, some of whom have concerns about the legislation in its present form and would like an opportunity to be heard with respect to what they think could be done to improve the bill. As I mentioned earlier, some honourable senators who have debated the bill have expressed similar concerns. To get the bill to committee is the objective that I seek in my role as deputy leader, so that these witnesses can be heard and we can get on with the business of dealing with this legislation.

However, I am sensitive to the need to accommodate debate on the legislation, and now we have a notice of motion with respect to dividing the bill. We have even had comments from Senator Finestone on our side as to consideration of an amendment to the bill.

I have been in discussions with my counterpart, Senator Kinsella, Deputy Leader of the Opposition, as rule 38 invites us to do, with the objective of trying to reach an agreement on how this bill should be dealt with in the context of the concerns expressed by honourable senators. The suggestion has been made by my counterpart that, perhaps, the best way to conclude an agreement on how to deal with this bill would be for me to make my points before the chamber today so that my proposal is completely transparent to all senators. Then, if other honourable senators wish to comment on what I will propose, fine. I will then invite Senator Kinsella, either by questions to me or by using his time for comments on the bill, to make his comments on the proposal so that all honourable senators will know what is happening and why.

Bill C-6 is at second reading stage, and it seems important to the opposition that it remain there until such time as some matters of amendment have had a full and fair opportunity to be considered. I put it to them that that would be better done with the benefit of the committee's work in considering the bill.

What I am about to suggest is not a motion but a proposal for a possible motion. If deemed appropriate, leave can be obtained

from honourable senators. This is how I would suggest we deal with this bill.

Before I make the suggestion, however, in order for the mover and the principal speaker for the opposition to speak, they will have to obtain leave. Speaking as Deputy Leader of the Government, I am prepared to give that leave to facilitate this attempt to have an agreement reached on the floor of the Senate. I should mention as well that this is not the first time that a proposal of this type has been put forward during my time here. I know that Senator Frith and Senator Doody, when they were both deputy leaders of their respective parties, followed this procedure on occasion. It is not something that I expect to do often. Therefore, this is an attempt to move the bill forward in a way that will give the Senate the necessary flexibility to deal with concerns about the bill.

Honourable senators, I will propose, following our discussion, that the subject matter of Bill C-6 be referred to the Standing Senate Committee on Social Affairs, Science and Technology, with the instruction that it be reported back on December 2, 1999; that it be reported back in two reports, one dealing with Part 1 of the bill and the other with Parts 2 to 5 of the bill; that completion of debate on second reading will follow; and that any further committee consideration of this bill be carried out in Committee of the Whole.

• (1440)

I am not moving that motion at this time. While this is not in the ordinary course of the Senate carrying out its work, it is close to the ordinary course for us and is not a variation that we should be concerned with on either side. However, this is something that I will invite my counterpart, Senator Kinsella, to comment upon, either by way of question to me or by way of speech, and then I shall take advantage of my opportunity to question him.

We may hear from other honourable senators on this matter, in particular Senator Kirby and Senator Murray. At the conclusion of this discussion or debate, I will then ask for leave to put forward a motion, the nature of which I have outlined in the context of my remarks.

Hon. Lowell Murray: Honourable senators, as the Honourable Senator Hays has noted, having already spoken on the bill, I would require leave to respond now to the proposal.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Murray: Honourable senators, I thank the Deputy Leader of the Government for his comments and for his proposal. As he has correctly stated, there is general support in this chamber for the principle and purpose of this bill. However, there are problems, which some of us have alluded to in our speeches at second reading.

What I have to say now I can say very briefly, and I say it without prejudice to the notice of motion I placed before you earlier today. It is a matter of indifference to me whether we refer the bill or, as the honourable senator has suggested, the subject matter of the bill to the committee this week. If Senator Hays believes that doing so will properly expedite consideration of the bill and, especially, consideration of some of the problems that have been raised, then I would give that my full support.

That being said, I am not clear on one point. Did the deputy leader suggest a reporting date for the committee?

Senator Hays: Honourable senators, the proposed motion refers to a reporting date of December 2, 1999. It also makes a reference to further consideration in committee of this bill being carried out in Committee of the Whole.

Senator Murray: That is what I was afraid I heard. Let me explain.

Senator Kirby, the chairman of the committee, invited me yesterday to attend a meeting of the steering committee with himself and Senators Carstairs and LeBreton. At that meeting we reviewed a list of potential witnesses — that is, people who have indicated a desire to appear before the committee to express their views on the bill. As I think the chairman of the committee would confirm, it is a long list indeed. I expressed the view at that meeting that I was more interested in — if I may put it this way — quality rather than quantity. My concern was that the main points of view be placed on the table and be explored in depth. It occurred to me that it may not be necessary to hear as many witnesses as have expressed a desire to appear. However, it would be Senator Kirby's disagreeable duty to persuade people that they did not need to be heard. This is always difficult.

My point is that trying to complete the work of the committee on the subject matter of the bill by December 2 would be a travesty and would properly subject the Senate and the committee to considerable criticism.

Honourable senators, others may wish to speak to this matter. I have no objection whatsoever, in principle, to sending the subject matter of the bill to the committee now and having the Committee of the Whole look at the bill when the report comes back to this chamber.

The government is concerned about the progress of this legislative. However, if the government can be persuaded to accept an amendment that would solve the problems that have been raised here, notably in the health care sector, then I would want us to deal with that amendment and get it out of the Senate and to the House of Commons in good time for them to deal with it before their adjournment on December 17.

Honourable senators, those are the parameters of the situation as I see them. The chairman or other members of the committee may wish to speak at this time.

Hon. Michael Kirby: Honourable senators, I, too, will need leave to speak, since speaking to this matter in the normal course would have the effect of closing debate, and it is not my intention to close second reading debate.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Kirby: Honourable senators, as usual, perhaps because Senator Murray and I were both previously chiefs of staff to Maritime premiers, I find myself in complete agreement with everything he has said. Regional affinity is much stronger than party affinity in some cases.

The reality is that many witnesses have asked to appear before the committee. Whether the subject matter of the bill is referred to Committee of the Whole or to the Social Affairs Committee, with the understanding that my committee would come back with two reports, is immaterial to me. We are happy to do either.

As Senator Murray has correctly pointed out, not only have many witnesses asked to appear, it is clear that there is significant disagreement among large portions of the health care sector, not just the professions. The professions themselves are divided, as are a number of health organizations.

When Senator Murray talks about wanting to do something more in depth rather than breadth — if I can use that analogy — I believe he means that there is a clear need to make sure we understand exactly the issue with respect to health care, and I agree with him.

In the proposed motion outlined by Senator Hays, it is clear that as to a definitive reporting date, the essential thing is that we proceed with our work expeditiously. In light of that, earlier today I moved a notice of motion that the committee — and this picks up on a point Senator Lynch-Staunton made earlier — be authorized to sit on Monday, Tuesday and Wednesday of next week, regardless of whether the Senate is then sitting, the reason being that there are many witnesses. We would need to sit starting at noon on Monday and proceed into the evening, repeating the same schedule on Tuesday and Wednesday. That was the rationale behind my notice of motion.

Like Senator Murray, I believe we must proceed to deal with this issue expeditiously. As he says, if the committee appeared to be coming to the conclusion that an amendment to the bill was warranted, like him, I feel it would be important that this chamber get the bill back to the other place in time for them to deal with it before the Christmas recess.

On balance, I am in agreement with Senator Murray. I have no difficulty with the essence of Senator Hays's proposed motion, as long as we take the date out and come to an understanding, either in writing or an understanding in this place, that the committee would proceed with the bill expeditiously and deal with it in an efficient manner.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am happy to speak to Bill C-6, and I will limit my remarks to process rather than content.

I believe we have canvassed and have identified a model that meets the mutual agreement of the government side and the opposition side in the chamber. I think that we should refer today the subject matter of the bill to the Standing Senate Committee on Social Affairs, Science and Technology. The understanding is that the committee would proceed with its work forthwith, and proceed expeditiously, providing every opportunity to hear from those witnesses it deems necessary.

• (1450)

As a result of the issue that has been raised in debate — the suggestion that perhaps the committee would consider providing one report, with two parts, or two separate reports — it would not matter. The committee would canvass the views of its members and express an opinion based on those views. We would then have a discrete report, or part of a report, dealing with Part 1 of the bill and another discrete section dealing with Parts 2 to 5. Of course, we would proceed expeditiously with any recommendations that the committee, in its judgment, would wish to bring back to the house, at which time we would decide whether or not we wanted to send it to a different committee or back to that committee for further study.

We are cognizant of the parliamentary timetable involving the other house. I can speak on behalf of the opposition side that there would be no obstruction in terms of communicating to the other place that a good report and a good decision had been taken by this chamber.

In terms of our procedure, I would be happy to move a motion, while I have the floor, unless any other honourable senator wishes to speak on this matter.

Senator Hays: Honourable senators, perhaps I should make a comment as to the willingness on our side to vary the motion to delete the reporting back date and, at the same time, to delete reference to the Committee of the Whole.

Having heard Honourable Senators Murray and Kinsella, I am satisfied that that is not a necessity for us. Accordingly, I would agree to the motion that I have now circulated being put without reference to that. If that is what Senator Kinsella has in mind, I would not object and would support that.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a matter of clarification, because I must admit that I am a little confused as to what, exactly, we are being asked to do.

As I read the proposed motion, it is to send the subject matter, prior to the end of second reading, to the committee, which will then report back in two reports, one dealing with Part 1 and one dealing with Parts 2 to 5.

How will the witnesses that Senator Kirby has told us are anxious to speak to the bill help the committee on the subject matter? I do not understand how all these witnesses who have a particular axe to grind on Part 1 or Part 2, or whatever clause it is, will be helpful in the purpose of referring the subject matter back to the committee. I do not know what we are trying to achieve here.

I do not want to muddy the waters, but it would seem to me that we should be doing this in two parts. In the first phase, if we want to refer the subject matter, let the technical experts, or those who can guide us from a technical point of view, be witnesses and then report back. The second phase would be for the witnesses to appear on the bill itself.

I sense that we will marry the two, subject matter and bill, and I do not know what will come out of it. If we go into Committee of the Whole, will the witnesses who appeared before the committee on the subject matter be asked to come back before Committee of the Whole to speak to the bill itself? I should like to have clarification on the procedure and the process that we are being asked to follow. Is this heading in the direction that the government intends it to?

Senator Hays: Honourable senators, perhaps I could answer that. I am a novice in these matters, but I had some of the same concerns that were expressed by the honourable senator.

There are technical aspects to this. If the bill is to remain at second reading stage, then it should remain on the Order Paper. For it to remain on the Order Paper, the bill must stay here. However, all matters of substance, that is, the subject matter of the bill, can be referred to the committee, which can do its work as effectively as if it had the bill itself, because the subject matter is before it.

To keep the bill on the Order Paper, it needs to be kept here. Also, if the bill is here, debate on Senator Murray's motion could proceed; if the bill were not here, that would not be possible.

It may well be that Senator Murray's intentions are not to proceed with debate on his notice of motion until the bill comes back, in which case we could send the bill to the committee. The motion has been put the way it is to ensure that the committee has all means at its disposal to study all aspects of the bill, namely, the subject matter of the bill, while the bill still remains at second reading stage, to accommodate what my understanding is of the concern on the other side, and that is that there is reservation about splitting the bill and that has not been resolved. This is a way to have the bill considered without compromising that procedural right.

We have a majority on this side, but you have tools on your side. The whole purpose of this is to try to have a solution under rule 38 as opposed to rule 39. It appears that it is going very well. I would hope that we could expect a motion. I do not think that the bill or its study is compromised in any way by having the subject matter before the committee as opposed to the bill, for the reasons that I stated.

Senator Murray: Honourable senators, if I may, the formulation of sending the subject matter of a bill to committee is identical with that that we used in the good old days when pre-study was permitted in this chamber. Obviously, we were not able procedurally to send a bill to committee before we received a bill from the House of Commons. Nevertheless, once the bill was tabled in the House of Commons, to facilitate its consideration in the Senate we would send the subject matter to the appropriate committee. That committee would hear witnesses just as if the bill were before it. That committee would report to the Senate.

We were then at complete liberty, if we wished, once we received the bill, to send it back to committee and hear further witnesses. More often than not, when the bill arrived, we had obtained satisfaction from the government undertakings about amendments, and so forth, before the bill left the House of Commons. The committee stage frequently turned out to be pro forma, but the formulation that we are using here, which Senator Hays proposed to use reporting the subject matter, is a time-honoured one in the Senate.

Senator Lynch-Staunton: Honourable senators, I have never heard of the Senate doing a pre-study of a bill that has already been passed in the House of Commons.

Senator Murray: No, but there are precedents, quite a few of them, for what Senator Hays is proposing.

Senator Lynch-Staunton: Senator Hays has proposed that the subject matter go to committee and the bill stay here.

Senator Murray: Right, and there are precedents for that.

Senator Lynch-Staunton: Does that mean that the witnesses who come before the committee are limited to the subject matter, or can they sneak in a copy of the bill anyway?

Senator Murray: No, they are not limited in that respect.

Senator Lynch-Staunton: It is all a facade, is that what you are saying?

Senator Murray: It is a procedural device.

Senator Lynch-Staunton: I do not know who is best served by it. Why are we going through this two-stage effort when, in effect, it will be the one effort?

If I am the only who does not understand, I will end my participation right now.

• (1500)

I do not understand why the subject matter of a bill before the Senate is being sent to a committee to hear witnesses who will talk about the subject matter when they really want to talk about the bill. Can they talk about the bill even if it is not before the committee? I do not understand that part of the procedure.

Senator Forrestall: It is the same bill.

Senator Lynch-Staunton: Why not send the bill, then, and get it over with? I am not here to help the government. I am here simply to understand the procedure and to facilitate it.

Senator Hays: Honourable senators, the procedural device is being used to accommodate the concerns of Senator Murray.

Senator Lynch-Staunton: That is good enough for me, then.

Senator Hays: We could send the subject matter of the bill, but it would be better to give the bill second reading and send it as we normally do. We have been in communication with the sponsor of the bill and the principal speaker on the other side, Senator Murray. We have arrived at the this proposal, which is essentially an agreement, done in a transparent way on the floor of the Senate as opposed to presenting honourable senators with a fait accompli which, undoubtedly, would have raised, aside from Senator Lynch-Staunton's question, a large number of other questions.

Senator Kinsella: Honourable senators, from time to time, a bit of creativity is always helpful. The Honourable Senator Hays has attempted to contribute a bit to the creativity. However, we thought it would be wise to have our discussion in the chamber so that everyone may understand exactly what we are doing. One of the great advantages of this approach, of course, is that if there are serious and honest views held on both sides of the chamber as to whether or not there is more than one principle contained in this bill, then we can have the substance explicated through the testimony adduced from witnesses. In this way, we can receive advice from the committee before we actually vote on the principle of the bill.

Indeed, one hypothesis is that if the committee were to recommend that we split the bill, it would help to solve the problem. If the committee were to come back with amendments, it might solve the problem. Many opportunities lay before the committee. This is a creative way of dealing with the matter. Perhaps Senator Hays would now like to move his motion.

SUBJECT MATTER REFERRED TO COMMITTEE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, notwithstanding rule 58(1)(e), I move:

That the subject matter of Bill C-6, An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act, be referred to the Standing Senate Committee on Social Affairs, Science and Technology; and

That it be reported back in two reports: one dealing with Part 1 of the Bill and the other Parts 2-5 of the Bill and completion of debate on second reading to follow.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Consiglio Di Nino: Honourable senators, I wish to ask a question for the purpose of clarification. I have no intentions of holding up this matter. Does this require a unanimous vote or simply a majority vote?

Senator Hays: Honourable senators, "leave" anticipates unanimity. Any one senator here could stop this process by refusing to grant me leave to move the motion. In effect, it requires unanimity.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Michael Kirby: Honourable senators, with leave, I should like to revert to the rubric Notices of Motions. In light of the motion which has just been passed, I seek leave of the Senate to permit the committee to meet today at 3:30, purely for purposes of discussing the witness list. We could then begin to hear witnesses tomorrow at our regular time, which is eleven o'clock. I think the committee will want to have a bit of discussion so that we can lay out a witness schedule. I should like to do that at our regular sitting time, which it at 3:30 today.

Therefore, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Anne C. Cools: Honourable senators, I rise to make a small point. I believe the honourable senator rose and asked for leave to revert to Notices of Motions. Before leave was given to revert to Notices of Motions, he then proceeded to make his motion. I have no problem with granting Senator Kirby leave in both instances. However, we should be aware that it was a two-stage process that should have been followed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this is the second time today we have given leave for a committee to sit while the Senate is sitting. May I

suggest that on Wednesday, when there are so many committees intending to meet at 3:30 or as soon as the Senate rises, whichever is earliest, that we not sit beyond 3:30? Then, we would not have these embarrassing exceptions. Otherwise, before we know it, some senators will be here in the chamber at four or five o'clock while other senators are busy at their committee meetings, and this place will not be as active in debate as it should be.

I leave that with the government as a suggestion. We should abide by the schedule on Wednesdays and compromise by saying that at 3:30 or 4:00 p.m. we will adjourn no matter where we are on the Order Paper.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

INCOME TAX CONVENTIONS IMPLEMENTATION BILL, 1999

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Robichaud, P.C. (*L'Acadie-Acadia*), for the second reading of Bill S-3, to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am quite disappointed that the sponsor of the bill is not here again today to deal with this bill. Yesterday, I listened carefully as Senator Lynch-Staunton spoke to Bill S-3. He opened an interesting and important area of inquiry.

• (1510)

It speaks to the matter of the human rights record of one of the countries that would be party to this treaty, namely Uzbekistan. It seems to me, honourable senators, that the serious question that should be in the mind of each honourable senator is whether we, as a country, want to send a signal and get the attention of authorities in Uzbekistan, in terms of their human rights record.

Senator Lynch-Staunton quoted from two reports of Human Rights Watch, which spoke of documented human rights violations, and also advised us that our own Department of Foreign Affairs has a number of documents relating to the unacceptable human rights record in that country.

Honourable senators, notwithstanding our stated foreign policy of constructive engagement, which we have had an opportunity to speak on from time to time in this chamber, we are dealing in this instance with a bilateral relationship. It seems to me that, if constructive engagement is to mean anything, it would mean a great deal if we said to a country, "Sorry, we are not prepared to sign a treaty with you because of your domestic human rights record." That would be exactly why we would exclude that particular country from Bill S-3.

Honourable senators, the matter of gross and consistent patterns of human rights violations is not something that we, as a free and democratic society, ought ever to take lightly. As honourable senators know, resolution 1503 of the United Nations speaks directly to the matter of gross and consistent patterns of human rights violations and the obligation on all members of the international community to take positive steps and to lend their direct support for the elimination of such patterns of consistent and gross violations of human rights.

Honourable senators, this is a classic opportunity for Canada to make a very pronounced and honourable statement. We can say that we are not holding up the treaties with respect to several of the countries that are contained in the bill but only with respect to this particular country, because of the particular, verified, gross and consistent patterns of human rights violations. That will allow us to say that we do not wish to enter into a treaty with that country.

Honourable senators, whether we focus on the Vienna conventions that deal with international treaty implementation or on some of the specific international human rights treaties, such as the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights, these are all treaties that Canada, along with many other nations around the world, has entered into, adopted, embraced and implemented, and we should pay heed to the human rights contained in those treaties.

Honourable senators, I thank Senator Lynch-Staunton for drawing to our attention the fact that this is a treaty that the Government of Canada is proposing we would enter into with that particular country under the same rubric of treaty law as the human rights treaties that we have entered into. Therefore, honourable senators, I think that it is terribly important for this chamber to make a statement. We can decide whether we want to move an amendment to the bill at second reading, prior to sending it to committee, or whether it would be a wiser course of action, now that we have raised this and it is in the record of the chamber, to send the bill to committee so that the honourable senators on the committee could seize upon this issue and ensure that officials from the Department of Foreign Affairs and other witnesses would speak directly to this matter that has been apprehended by our colleague Senator Lynch-Staunton.

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question for the honourable senator. I did not have the liberty of

listening to or reading Senator Lynch-Staunton's speech, but the principle he evokes is quite interesting. We have had an exchange about this from time to time, not only here but in other fora. He is focusing on one country. Is the honourable senator suggesting that, as a condition precedent to passing a bilateral taxation measure, we should, as they do in the United States from time to time, do a human rights review of each country that is a party to that particular agreement?

Senator Kinsella: Honourable senators, I thank Senator Grafstein for that question. As the first part of my response, I can say that I have no difficulty with that model of human rights vigilance. The experience in a lot of countries, including the United States, which attempted particularly under the Carter regime to do that, has not been as satisfactory as one would have hoped. I reluctantly accept the doctrine of constructive engagement. My reluctance arises because I do not see the public administrative glove to which the hand belongs. I do not see, in the protocols that govern the conduct of our trade officials or our foreign officers, anything that says that they must indicate and document in their monthly or annual reports the occasions on which they raised human rights questions so that there will be some kind of a public administrative verification that constructive engagement actually does work.

While I think the principle is acceptable theoretically, I do not see it as having universal application. In this particular instance, we have a specific tax treaty. It is a bilateral matter. This bill has grouped many countries under one bill, but unfortunately, there is one country with a record of human rights that has brought this issue to the forefront.

The second part of my answer is that I am certainly of the view that I would want us to be surgical and very focused in dealing with these bilateral treaties. I would look at the domestic human rights record of each country as a matter of course, and I would make a judgment in terms of whether I want to do business of this nature with them or whether, indeed, as a foreign policy instrument, I would want to use these kinds of measures to get their attention.

Senator Grafstein: As the honourable senator knows, the United States has a model, which we have not adopted — although it seems the new foreign minister is moving in that direction with his new policy of human security — of making an assessment, year by year, for every country, sometimes regionally, of gross violations of human rights. They are published regularly by the State Department and they are debated in both Houses in the United States. We have chosen not to follow that model. We have assiduously chosen not to engage in linkage. I do not know which side of the coin I would ultimately favour in light of the new policy of human security that has been articulated by the minister responsible for external affairs and echoed by the Prime Minister. However, if we are to engage in this matter, it would be better to have a debate here, as a general policy, and permit all honourable senators to conclude as to

where they are going, as opposed to picking on one country in a particular bill. I look at the face of this bill for the first time and I see that there are one or two, perhaps three, other countries, based on newspaper reports — and I want to be very careful here — where one can probably make the same claim, which is a systematic pattern of gross violation of human rights.

• (1520)

I commend the honourable senator opposite for raising this matter. I prefer his comment as to whether or not, before we undertake any form of “ad hockerry”, we should participate in this debate and look at this as a systemic issue as it applies to legislation of this nature, generally speaking. I would then be more comfortable that we are working within a framework as opposed to working through inspiration.

Senator Kinsella: Honourable senators, I thank the honourable senator and could not but agree with many of the propositions he lays before us in this healthy debate.

One response that comes to mind in answer to the honourable senator's question is that, on the one hand, it is necessary to respond vigorously to ill-will violations of human rights. If you are apprehending this in a very clear manner, then you move to respond to that direct ill-will human rights violation. On the systemic or institutional or historical type of discrimination, I agree with you wholeheartedly. There must be a more thoughtful and broad-based policy. All international politics get drawn into it, including trade and self-interest dynamics. Yet, every case of human rights violations need not wait for amelioration of the human rights environment to remove that poison environment to a systemic or institutionalized kind of response. There are cases where you can apprehend and deal directly with it.

In the national interest, I do not feel that we need this treaty; however, it is a nice thing to have. It is good to have treaties with a variety of countries. However, it would be very much an attention-getting act if the Parliament of Canada were to say that it would exclude a certain country. No doubt there have been discussions at the officials' level before the bill reached this stage and they would be asking why. They would also look at our debate and our discussion this afternoon and realize that Canadians are serious about human rights standards.

Hon. Consiglio Di Nino: Honourable senators, I should like to add to what my colleague Senator Kinsella has said. I associate myself with his remarks. I am also intrigued by Senator Grafstein's suggestion that we should take a look at this. I concur with him. Honourable senators, I believe we should look at this matter. If you look at some of my other comments about relations that we have with other countries, they would certainly support my concerns.

I raised a question yesterday — which is how we got involved in this debate, I believe — about the appropriate committee to send this bill to — the Banking Committee or the Foreign Affairs Committee. Yesterday's discussion fits well with the discussion

we are having today because we are talking about a bilateral relationship with a number of different states.

We have similar agreements, protocols and conventions with nearly every state in the world. Senator Kinsella indicated that dealing with the state that is the subject of this debate offends his sense of appropriateness, in that it is a state that has a record of human rights abuses. However, I believe Senator Kinsella would agree with me that there are literally dozens of countries that have a similar record of human rights abuses. I imagine that we have signed 150 or 200 conventions or protocols, which represents nearly every state in the world.

I would also like to ensure that we understand that we are not just talking about signing an agreement. We are talking about signing an agreement where we exchange information about corporations and individuals and the affairs of Canadians with some of these foreign countries. That concerns me because, frankly, I do not trust some of these states to keep that information in confidence. If I am doing business with one of these states, as with Talisman in Sudan right now, I would have to accept the risk that some of the information that my country would be sharing about me and my company with the Sudanese government may not be as protected in privacy as it would be under the laws of some other countries in the world. That is another aspect that we should examine more closely.

I raised that question yesterday because several months ago we dealt with a similar bill at the Standing Senate Committee on Foreign Affairs, where we raised these same questions we are asking today. I do not feel that we never received answers to those questions.

Honourable senators, I am not playing tricks; I have no hidden agenda. I would suggest that the appropriate committee to which to send this bill is the Foreign Affairs Committee. We can pick up on the comments made by Senators Lynch-Staunton, Kinsella and Grafstein and continue to engage the departmental officials in the questions that we asked the last time we dealt with a similar piece of legislation.

Hon. Lois M. Wilson: Honourable senators, I am pleased that the Leader of the Opposition raised this issue. It is part of the emerging debate about where human rights belongs on the agenda of Canada. The issue of Uzbekistan was raised, as well as Sudan and other areas. There seems to be an ad hoc manner of responding to these concerns. I am of the opinion that one cannot apply a one-size-fits-all general policy to all countries. Sometimes sanctions are applied; sometimes constructive engagement. There may be different strategies for different countries.

I am of the opinion that the Senate needs a forum to explore these issues. Perhaps the Foreign Affairs Committee is the relevant forum in which to explore these issues, rather than the Banking Committee. They must be explored, either here in full debate or in committee. I hope the committee to which this bill is sent spends some serious time on this matter and brings it back to this chamber.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I do not wish to interfere with any other senator who wishes to speak on this matter, but we on the government side would like to see this bill go to committee. It is introduced here; it then has to go to the House for approval. I suppose that would make an amendment relatively easy, in that, if it were amended with the deletion of, for instance, Uzbekistan, it is not a matter of coming back.

• (1530)

In speaking to the bill, I appreciate the debate that has taken place, as it has highlighted an important matter. That important matter should be addressed in the committee.

The Department of Foreign Affairs has a role in these treaties, but so does the Department of Finance or Revenue Canada in terms of this being a tax treaty. If what has been stated in debate is correct, and I have no reason to believe it is not, why would we negotiate a tax treaty with any country that has an offensive human rights record? Why would we maintain a treaty arrangement with that country? Those questions are best answered by the officials who negotiated and entered into the treaty.

In terms of the Senator Di Nino's concern as to which committee this should be referred, I have asked for some information on the practice. Clearly, it could go to either the Banking Committee or the Foreign Affairs Committee. The Foreign Affairs Committee deals with treaties and international agreements, and the Banking Committee deals with taxation matters. This treaty is principally, I believe, a taxation matter. That is why the suggestion is made that it be referred to the Banking Committee.

When it has completed its work, the Banking Committee may well refer this bill to the Foreign Affairs Committee. Given what I have heard today in this debate, this bill will not be pushed through committee without many important questions being asked. That is the place, I submit, for those questions to be put.

Accordingly, I conclude the debate on this item by asking that Bill S-3 be given second reading, following which I will make the appropriate motion to refer it to committee.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that Bill S-3 be referred to the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to point out that the last tax treaty we received, Bill S-16, went to the Foreign Affairs Committee. That bill dealt with Vietnam, Croatia and Chile. The Foreign Affairs Committee made interesting recommendations regarding privacy, the ability of the signatory countries to implement successfully the parts of the treaty, and other recommendations. It would be a shame if the continuity of the report of the committee were broken by sending similar legislation to another committee. I would urge the deputy leader to reconsider and move that this bill go to the Foreign Affairs Committee.

Senator Hays: Honourable senators, in terms of precedent, two income tax conventions in the Thirty-fifth Parliament, Bill C-105 and Bill S-2, were both dealt with by the Banking Committee. In the Second Session of the Thirty-fifth Parliament, we dealt with a tax treaty, Bill C-37. It was also referred to the Senate Banking Committee. In the First Session of the Thirty-sixth Parliament, Bill C-10, a tax treaty, was referred to the Banking, Trade and Commerce Committee and Bill S-16 was referred to the Foreign Affairs Committee. Other senators may have a better institutional memory than I on this subject, but to be truthful, I was told that Bill S-16 was sent to the Foreign Affairs Committee because of the heavy workload of the Banking Committee. That is why I suggest that the majority of bills, with the exception of Bill S-16, were sent to the Banking Committee.

Honourable senators, if the Banking Committee is doing its job, it will be able to draw out any problem of the nature that honourable senators have raised in debate on Bill S-3. If necessary, committee members can make a recommendation that the bill be referred to the Foreign Affairs Committee for further study.

I do emphasize, once again, that this is a Senate bill. It is not a bill received from the House of Commons. We have some extra flexibility in that regard. I see the traditional reference of tax treaties to the Banking Committee as useful in that taxation is an important aspect of this bill. It is the most important aspect of this bill, except that human rights becomes an issue if we do not want to deal with a country because of their human rights record.

One country has been named and others will be mentioned as we get into debate on this topic. However, the proper way to deal with this matter is to address the tax considerations first and then, if necessary, deal with the matter in the Foreign Affairs Committee.

Hon. Consiglio Di Nino: Honourable senators, I do not think the issue of which committee the bill is referred to is that important. However, because the bill deals principally with bilateral relations between two countries, the Foreign Affairs Committee would be a more appropriate body to review this information.

Perhaps the Deputy Leader of the Government would agree to recommend that the committee deal with the issues that have been raised in the chamber as far as the human rights issues are concerned as well as the issues of confidentiality and privacy when sharing information with some of these states. In my opinion, these issues were not properly responded to the last time that we dealt with this matter.

Honourable senators in this chamber all understand the task. Either committee could do the job and respond to the questions we have raised.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if the debate yesterday and today is to be taken seriously, then these international human rights questions must dominate our debate at second reading. Unfortunately, the sponsor of the bill, who led off the debate on the principle of the bill, does not even bother to come to discuss the new issues and provide us direction. I learned about the debate over the past few days.

I did obtain a report of the Standing Senate Committee on Foreign Affairs dated May 28, 1998. Senator Lynch-Staunton referred to it. The committee dealt with Bill S-16, a similar type of bill.

In the sixth report of that committee, the committee members indicated that they had two specific concerns. First, they proposed that, in advance of the Government of Canada presenting similar legislation in the future, the Department of Foreign Affairs and International Trade assure the Senate that it has conducted pre-screening of signatory countries in its institutional capacity to implement successfully the provisions of the relevant agreements and conventions. That is a principle with which our Foreign Affairs Committee has been seized. That committee might very well see an opportunity to put into the bill a provision which speaks directly to compliance with human rights. I think that would be exciting and forward-looking. This is part of the thrust of our debate here at second reading. The Foreign Affairs Committee has seized itself with similar action on a similar treaty.

• (1540)

I agree with Senator Hays on the tax part of it, because the second recommendation had to do with tax officials in the two countries having the appropriate tax data systems in place, and also with protection of privacy.

In this case, it makes a great deal of sense to refer this particular bill to the Foreign Affairs Committee under the circumstances of the real debate that took place in this chamber.

I would even move an amendment, if appropriate, unless Senator Hays wants to change his mind.

Senator Hays: Honourable senators, I would suggest that the bill go to the Banking Committee first, which could deal with the principal thrust of the treaty. It can then be considered by the Foreign Affairs Committee if that is the wish of the Senate. We cannot refer the bill to two committees at the same time; however, I do not see any reason why we could not deal with it sequentially. Some valid points have been raised. I do not have any problem with the Foreign Affairs Committee looking at it, but it may well be that the pre-screening has been done. It may well be that there is a reason to include this country or some of the countries.

Senator Di Nino: Do you want to bet a lunch?

Senator Hays: I am not a wagering person. The bill was given second reading, and I had asked that it be referred to the Standing Senate Committee on Banking, Trade and Commerce. I have no problem in amending that motion so the bill can be referred to the Standing Senate Committee on Banking, Trade and Commerce, following which it be referred to the Standing Senate Committee on Foreign Affairs for further review. I believe I can amend my motion with leave.

Senator Kinsella: With leave, you can.

Senator Hays: I would suggest we add the rider "provided the Banking Committee makes that recommendation." I would make the motion in that form.

Hon. Lois M. Wilson: Honourable senators, I would be pleased to see the bill go to the Banking Committee provided the Deputy Leader advises them of the debate around this issue and the history that has come out of the Foreign Affairs Committee. Then, when they look at it, they will know that these issues have been raised and can refer it to the Foreign Affairs Committee. Is there some assurance that that will be done?

Senator Hays: One relies on one's Senate colleagues to read Hansard. I suppose it is possible that some do not do it as faithfully as one would hope. I am not sure I can give the honourable senator an undertaking that would satisfy her request. I undertake to do what I can to ensure that the chairman of the Banking Committee is asked to read the debate today. Hopefully, he will read it. I would encourage the honourable senator to perhaps have a discussion with him.

The Hon. the Speaker pro tempore: Honourable Senator Hays, is it your motion that we refer the bill to the Standing Senate Committee on Banking, Trade and Commerce and then to the Standing Senate Committee on Foreign Affairs?

Senator Hays: If recommended by the Banking Committee. Is that in order?

Senator Kinsella: That part is out of order. It must be an order of the Senate.

Senator Hays: I will go along with my earlier recommendation. I therefore move, with leave of the Senate and pursuant to rule 30:

That the Bill be referred to the Standing Senate Committee on Banking, Trade and Commerce and to the Standing Senate Committee on Foreign Affairs.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

QUESTION OF PRIVILEGE

Hon. Lise Bacon: Honourable senators, I have given notice of my intention to raise a question of privilege with respect to the Standing Senate Committee on Transport and Communications.

As you are undoubtedly aware, honourable senators, this standing committee was authorized to consider the restructuring of Canada's airline industry, pursuant to the Order of Reference of October 14, 1999.

Pursuant to that order, the committee is to submit its report before December 15, 1999. With myself as Chair, the committee has held eight public hearings, during which it has heard 53 witnesses. Last week, we interrupted our public hearings and began consideration of drafts of the report. We are now at the third draft.

We have been very careful to avoid any publicity with respect to our deliberations. All drafts were marked "draft" and "confidential". During our meeting to consider the first draft, I took care to distribute copies only to those senators present, and I collected them at the end of the meeting. When it came time to consider the second draft, I sent a copy to each senator on the committee the day before we met. This meeting took place yesterday morning. Copies were also distributed to the assistants of the senators present. This time, unlike the previous meeting, I did not retrieve copies of the second draft of our report, trusting to the honesty of senators and their assistants and wanting to give them more time to consider the report's contents.

Yesterday evening, just hours after the committee met, I learned that a Canadian Press journalist had a copy of the second draft of our report in his possession. In its morning edition, *Le Soleil*, a Quebec City newspaper, has published an article by this same CP journalist in which one may read the following:

In a report to be tabled in the Senate tomorrow, members of the Upper Chamber, both Liberal and Conservative, have reached agreement to authorize American air carriers to service various Canadian destinations...

Referring to the Transport and Communications Committee, the journalist goes on:

It has also reached the conclusion that the limit imposed upon the percentage of control of a Canadian air carrier by foreign interests ought to be raised to 49 per cent of voting shares, as opposed to the current 25 per cent...What is more, the federal legislation limiting to 10 per cent the percentage of Air Canada shares that can be held by a single shareholder ought to be amended to 33.3 per cent.

As for *The Toronto Star*, it also published an article today which read as follows:

[English]

The Senate committee, close to completing its report, is expected to propose raising the single investor limit in Air Canada stock to 33.3 per cent from 10 per cent, and the foreign ownership limit to 49 per cent from 25 per cent, sources said.

[Translation]

I am prepared, if required, to table a copy of the Quorum reproducing the two articles.

Honourable senators, this leak adversely affects the work presently underway in the Transport and Communications Committee. Although the information given in the media today is based on a draft report that has not been finalized, it may well colour the perception the public will have of our final report. As I have said, our report is not finished. There are still a number of points to be discussed. Unfortunately, the leak, and the reactions there will be to it, might hinder serene and informed reflection by the committee members.

Above and beyond the damage to the committee of which I have the honour to chair, a leak like this is prejudicial to the work of all Senate committees. The confidentiality of our discussions is at stake and, by that very fact, the ability of senators to freely debate the matters referred to us. In order to fulfil our mandate properly, we must have the certainty that the work we are doing *in camera* remains confidential.

I would like to remind you of citation 877.1 at page 241 of the *Beauchesne's Parliamentary Rules & Forms*, 6th edition, which provides:

No act done at any committee should be divulged before it has been reported to the House.

The citation also provides the following:

The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to Members will, however, constitute a breach of privilege.

It is surprising that such a thing should happen in the Senate, a responsible and transparent institution, which makes its activities public. It is therefore unacceptable for someone to have to feel the need to divulge to the media documents that will in any case be made public once final decisions have been reached.

Unfortunately, this leak combines with other similar events that have occurred recently in our institution. On September 14, Senator Andreychuk raised the question of privilege, which she reintroduced on October 13, on the subject of a leak that occurred in the Standing Senate Committee on Aboriginal Peoples. I hope we will be able to bring things under control in time to put a stop to these incidents, which threaten the credibility of our institution.

Within the Standing Senate Committee on Transport and Communications there has always been an atmosphere of respect and collegiality. I have an immense respect for the members of the committee. This is why I am so surprised that such a thing could occur. I have no idea how this leak could occur. I do not know if it was intentional, accidental or through negligence. However, there was a leak, and it constitutes in my opinion a breach of Senate privilege. I ask you to rule accordingly. I will then be able to move the following motion:

That the matter be referred to the Standing Committee on Privileges, Standing Rules and Orders for investigation.

[English]

Hon. J. Michael Forrestall: Honourable senators, I support the motion which is presently before us. A check of our side has produced all of the reports; therefore, we know where our copies are. That is not a comment on anything. Senator Bacon has suggested that it could have been inadvertent, a deliberate leak or carelessness.

What is important here is that the matter, with the attached level of priority that it deserves, be referred to the committee so there can be no question that propriety will be served. Whether we get to the end of it or not is not nearly as important as the potential danger. Among other things, we are dealing in the report with the level of individual ownership and the level of foreign ownership in Canadian Airlines. That could lead to speculation that would be injurious not only to the airline industry and investors themselves but, above all, to the confidence that Canadians place in the processes of this institution.

To that end, I would commend the Chair for having brought the matter to this stage. We seek general support for her motion that would see the matter considered further by the appropriate committee.

[Translation]

Hon. Serge Joyal: Honourable senators, I agree with the comments made by Senators Bacon and Forrestall. I have the

privilege of participating in the work of the Standing Senate Committee on Privileges, Standing Rules and Orders. The issue raised by Senator Bacon is, in a way, already before our committee, since Senator Andreychuk raised a similar point some time ago. There is a bug in the system. If such situations keep occurring over a short period of time, it is certainly because some people in our group — we do not know who — do not have a clear idea of their responsibilities.

Let me draw your attention to how another parliament, that is the British Parliament, deals with such issues. I am referring to two decisions made by the British House of Commons, which suspended for 10 days without pay a member who had released a committee report before the committee had authorized such disclosure. Again, that member of Parliament was suspended for 10 days without pay.

In another case that was reported, two members of Parliament were sanctioned in October by the committee of the British House of Commons: the member who asked for the report and the member who gave it. Both were fined and suspended for reasonable periods of time. They also had to rise and apologize to their fellow members in the British House of Commons.

This issue is taken extremely seriously in our parliamentary system and in our traditions. The reason is simple, as explained Senator Bacon, and I am quoting the British committee:

[English]

• (1600)

It is at that stage that outside involvement with the conclusions of the report might be attempted. If there were any suspicion that such a practice existed, the standing of our whole select committee system could be questioned.

[Translation]

None of our committees will be able to do its work and report in this house in a productive and responsible manner if, at the important and crucial stage of drafting reports, drafts of these reports begin floating around left, right and centre, to coin a phrase.

It is therefore extremely important, and I am looking at my colleague Senator DeWare, who is on the Standing Senate Committee on Privileges, Standing Rules and Orders, that these matters, which were raised by both Senator Andreychuk and Senator Bacon, be considered by the committee. We could thus agree not only on the ethic that we would all undertake to follow but also, unfortunately, on the system of sanctions that we must perhaps implement in order to ensure that incidents of this nature do not recur.

It is with this in mind, honourable senators, that I would like to support the remarks made by Senators Bacon and Forrestall.

[English]

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to add a few words. It is unfortunate that we have a second example of a matter of privilege arising on almost identical facts. I am referring, of course, to the question of privilege before the Standing Committee on Privileges, Standing Rules and Orders raised by Senator Andreychuk.

I should like to add that it seems fairly straightforward, based on that precedent where, in deciding whether or not there was a *prima facie* case of privilege, the Speaker cited *Beauchesne's Parliamentary Rules & Forms, 6th Edition*, page 241, citation 877, which states:

No act done at any committee shall be divulged before it has been reported to the House.

It further states:

The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to Members will, however, constitute a breach of privilege.

Accordingly, Your Honour, it would seem fairly straightforward, and I, too, would urge your consideration of this matter as a *prima facie* case, making it appropriate for a reference to the Standing Committee on Privileges, Standing Rules and Orders.

Hon. Joan Fraser: Honourable senators, I, too, wish to speak in support of the motion of Senator Bacon. I would simply like to make the point that I made when Senator Andreychuk raised her similar case, that, while it is clear in my view that a serious abuse has occurred here, the abuse consists of the leak of the information. The problem is not that a free press, having come into possession of information about the workings of government, published that information. The culprit lies at the source and not in the publication.

Hon. Anne C. Cools: Honourable senators, I should like to add a very few words to the debate. We should be crystal clear on what precisely the debate is about. This particular debate is to persuade the Speaker that there is a *prima facie* case of a breach of privilege, therein for the Speaker to grant the issue priority over all other debate in the chamber.

This debate is not to determine whether there was an actual contempt or whether there should be a sanction or a punitive measure applied to anyone who has so conducted themselves. The real issue before us is to ask the Senate Speaker to give just and judicious consideration and to grant the matter a high precedence in respect of the Senate's deliberations.

In support of what Senator Bacon has said, I welcome her initiative and I thank her for laying out the facts. What she has

done essentially is to uphold the fact that, first, committees should be able to do their work with the full assurance that they can obey the different references that are given to them from the Senate chamber; and, second, that each committee would be able to obey its reference and report back to the Senate, at which time the entire public and every other senator would be made aware and would be in possession of the information. In other words, the contents of draft reports should not be disclosed to the so-called media, or to the so-called public, prior to any disclosure to senators and the Senate chamber itself.

Needless to say, this issue seems to be an abiding one, a burgeoning one, and obviously one that is compelling our attention. I note that, on September 14, Senator Andreychuk raised a similar question. I believe I spoke in that debate. Again, on October 13, Senator Andreychuk reintroduced the same subject matter and again I joined her with ready support.

The real question before us, honourable senators, is whether there is a *prima facie*, first blush evidence of a breach of privilege. I would say to Her Honour that there is wide support in the chamber for such a finding.

[Translation]

SPEAKER'S RULING

The Hon. the Speaker *pro tempore*: Honourable senators, if no other senator wishes to speak, I will give my ruling. I wish to thank Senator Bacon and all honourable senators who took part in the debate.

I recall Senator Molgat being asked to rule on a similar question in September. I therefore accept the question of privilege raised by Senator Bacon.

I propose that the question be referred to the Standing Committee on Privileges, Standing Rules and Orders for investigation. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[English]

RELIGIOUS FREEDOM IN CHINA IN RELATION TO UNITED NATIONS INTERNATIONAL CONVENTS

INQUIRY—DEBATE ADJOURNED

Hon. Lois M. Wilson rose pursuant to notice of November 17, 1999:

That she will call the attention of the Senate to religious freedom in China, in relation to the UN international conventions.

She said: Honourable senators, from October 23 to November 5 of this year, a seven-person delegation, organized by the Canadian Council of Churches, with assistance from the Department of Foreign Affairs and International Trade, explored the ongoing challenges faced by Chinese partners in their expression of religious practice in China. Representing the mainline Christian churches in Canada, the delegates drew extensively on their 100-year institutional history with Chinese partners for this exploration of the protection of religious freedom in China. China recognizes five official religions: Buddhism, Islam, Taoism, Protestantism, and Catholicism. A possible future engagement includes an inter-faith Canadian delegation meeting inter-faith partners in China, and an engagement in Tibet.

The delegation went in the spirit of constructive engagement, with a view to sharing insights on how laws on freedom of religion could reflect the international obligations of the two United Nations human rights covenants that China is considering ratifying. The delegation understood itself as one of a number bilateral engagements being undertaken between Canada and China, and complementing the needs assessment mission sent to China by the United Nations High Commissioner for Human Rights, Mary Robinson. That offers a comprehensive program of technical cooperation in the administration of justice, legislative reform and other areas of human rights.

During the two-week period, the delegation visited six cities and held discussions with a wide variety of church and government personnel, including China's Deputy Minister of Foreign Affairs and the Director of the Religious Affairs Bureau.

The Western press reports mainly stories of religious persecution in China, and the arbitrary arrests, detentions and human rights abuses as seen through our eyes. The arrests of persons on religious grounds is reported without any explanation other than "they broke the Chinese law," and it is widely perceived by Canadians as a violation of religious freedom and of human rights.

• (1610)

Without a shadow of a doubt, some of those are accurate. That is the dark side to the life of religious communities in China. However, nothing is ever said of what the laws and regulations on religions say, why they were put in place and why there are penalties for breaking them.

The constitution of the People's Republic of China comes out of a history of Confucianism, Marxist revolution and the need for control, stability and order in governance for a country that boasts 1.3 billion people, a history and context very different from our own. The delegation was never in a city that had less than 10 million people.

The constitution guarantees the freedom of citizens to belief or non-belief, and it protects normal religious activities. However, it does not guarantee the freedom of religious believers to manifest or practise that belief, nor does it define "normal religious activities", except to say that no one may use religion to engage in activities that disrupt public order. This grey area is responsible for some of the Chinese curtailment of religious freedom that we hear about in the West, and, because of its ambiguity, can be abused by those who administer the regulations, particularly in areas very remote from Beijing.

The constitution also makes it clear that religious bodies are not subject to any foreign domination. This arises out of China's suspicion of the intentions of the international religious community, at whose hands its sovereignty has suffered in the past. With the highly privatized orientation of religious groups wanting to preach individual salvation only, in a country that highly prizes collectivity, particularly when those groups come from Los Angeles or Taiwan, they are viewed as foreign interference.

Two sets of regulations ensure that religion does not become a source of destabilization or a threat to national security. The regulations come out of an understanding of freedom as having to do with collective rights, whereas, in the West, the emphasis is more on individual rights. It is required that every centre of religious activity register with the government and meet six criteria: a place of worship, a trained leader, a certain number of believers, a governing committee, a legal source of income, and a name for a meeting place.

It is important to note that every social group in China is required to register with the government, not only religious groups. This is again in keeping with the emphasis on collective rights. The problem is that there is a thin line that separates regulation from control, but we saw no evidence of a widespread, intentional policy to persecute religious groups, either because China thinks religions will gradually fade away or because religions are carefully contained within the fabric of Chinese society. Indeed, the Shanghai Academy of Social Sciences commented that Christians make good Chinese citizens.

Our Protestant Church partners have fashioned the China Christian Council, a post-denominational church where older people refer to themselves as a former Presbyterian, a former Anglican, and so on. It is fully Chinese in its origins in the Three Self Patriotic Movement, as is its governance, its financing, and its theology. Partners see the regulations as protection for their activities and a guarantee against interference from non-believing Chinese, such as happened during the Cultural Revolution. As a result of this protection, the Protestant churches in China are experiencing phenomenal growth, and their biggest problem is how to train enough able leadership to meet the demand. We met one young woman, for example, who, having received three months training, is now in charge of the spiritual direction of 1,000 people. Although a minority in China, Christians in China far outnumber Christians in Canada.

The situation for Catholics is different. Registered Catholic churches are known as the Patriotic Church, and support government policies, such as the one-child policy. This has negative implications for the recruitment of priests, since few families would allow their one child to enter a system that precludes the passing down of the family name, yet, "Fully Chinese; fully Catholic" could be their slogan. Others, who remain loyal to the Vatican, are unregistered and suffer the same penalties as unregistered Protestants, but all Catholics recognize the authority of the Vatican, albeit to varying degrees, and this is usually winked at by religious affairs personnel.

Those who, by choice or circumstance, meet and worship in unregistered venues may do so for several reasons: believers' allegiance to outside authorities or influence; objection to being confined to one meeting place; refusal of the authority of the Chinese Catholic Patriotic Association or the Chinese Christian Council; or the acceptance of heterodox teaching and practices that could threaten public order.

Then there are the cults. China is well aware of cults in Canada, and at the Academy of Social Sciences, a professor asked us about the cult known as "the Toronto blessing" that operates near the Pearson airport, of which you may have heard. None of us had ever visited it firsthand, and so we had to rely on hearsay to respond.

China promulgated a law on cults on the last day of our visit. Without exception, our partners, as well as the government, viewed Falun Gong as a destabilizing and harmful, foreign-influenced organization. They also saw it as flourishing among the uneducated, vulnerable Chinese who may still be isolated from modernization and the benefits of modern medicine.

Our delegation took no position on the teachings of Falun Gong. In our meeting with Deputy Foreign Minister Yang Jiechi, I raised several concerns on behalf of Canada's Minister of Foreign Affairs. The first is that Canadians were deeply concerned about ongoing arrests, detentions, ill-treatment and abuse of Falun Gong practitioners who appeared to publicly exhibit exemplary non-violent behaviour in their ongoing demonstrations. Because the constitution guarantees citizens the right to believe or not to believe, the perception in Canada is that the constitution is not being honoured. When and how will "normal religious activity" be clearly defined? The second is whether the implementation of the new law on cults will be retroactive. The third is with respect to what guarantees the international community has that those arrested will be brought to fair and open trials. What implications do the two United Nations covenants, signed by China in 1997 and 1998 but not yet ratified, have on the treatment of the Falun Gong?

These questions, as well as many others that I do not have time to raise in this short inquiry, remain unsatisfactorily answered to

date but provide an ongoing agenda for our continuing collaboration with China on religious freedom in the light of the international covenants. We expect that delegations and exchanges on matters of faith, religious liberty, and the implementation of religious policy, in keeping with international covenants, will continue. We think it a more productive approach than a confrontational one. We hope to receive a delegation of officials from the Religious Affairs Bureau to Canada to deepen our mutual understanding of church-state relations and to clarify for them the mystery of why Canada has no need for a religious affairs bureau. We also expect to receive a delegation of scholars from the Chinese Academy of Social Sciences, who, in concert with our academics, can deepen our mutual understanding of religion in secular society.

On motion of Senator Wilson, for Senator Austin, debate adjourned.

• (1620)

ABORIGINAL PEOPLES

ROYAL COMMISSION ON ABORIGINAL PEOPLES— COMMITTEE
AUTHORIZED TO STUDY RECOMMENDATIONS RESPECTING
ABORIGINAL GOVERNANCE AND TO APPLY PAPERS AND
EVIDENCE OF PREVIOUS SESSION TO CURRENT STUDY

Hon. Charlie Watt, pursuant to notice of November 23, 1999, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the recommendations of the *Royal Commission Report on Aboriginal Peoples* (Sessional Paper No. 2/35-508) respecting Aboriginal governance and, in particular, seek the comments of Aboriginal peoples and of other interested parties on:

1. the new structural relationships required between Aboriginal Peoples and the federal, provincial and municipal levels of government and between the various Aboriginal communities themselves;
2. the mechanisms of implementing such new structural relationships; and
3. the models of Aboriginal self-government required to respond to the needs of Aboriginal Peoples and to complement these new structural relationships;

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the first session of the Thirty-sixth Parliament be referred to the Committee;

That the Committee submit its final report no later than December 16, 1999, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until December 24, 1999; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Dan Hays (Deputy Leader of the Government), for Senator Kirby, pursuant to notice of November 18, 1999, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Hon. Eymard G. Corbin: Honourable senators, I have a question on Motion No. 11. Is that a permanent authorization, one that will allow the committee to televise all its work, as they choose to do, or for a specific purpose only?

Senator Hays: My understanding, Senator Corbin, is that it is a motion whereby the Senate approves the transmittal, by electronic media, for all of the proceedings of the committee, not just with respect to a particular study, until prorogation.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Dan Hays (Deputy Leader of the Government), for Senator Kirby, pursuant to notice of November 18, 1999, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services

of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

[Translation]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE
AND FUTURE OF AGRICULTURE

Hon. Fernand Robichaud, pursuant to notice of November 23, 1999, moved, for Senator Fairbairn:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of agriculture in Canada; and

That the Committee report no later than June 29, 2001.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE
AND FUTURE OF FORESTRY

Hon. Fernand Robichaud, pursuant to notice of November 23, 1999, moved, for Senator Fairbairn:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the present state and the future of forestry in Canada; and

That the Committee report no later than June 29, 2001.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES AND TRAVEL

Hon. Fernand Robichaud, pursuant to notice of November 23, 1999, moved, for Senator Fairbairn:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it; and

That the Committee have power to adjourn from place to place within and outside Canada for the purpose of such studies.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT
ELECTRONIC COVERAGE

Hon. Fernand Robichaud, pursuant to notice of
November 23, 1999, moved, for Senator Fairbairn:

That the Standing Senate Committee on Agriculture and

Forestry be empowered to permit coverage by electronic
media of its public proceedings with the least possible
disruption of its hearings.

Motion agreed to.

The Senate adjourned until tomorrow, at 2:00 p.m.

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(HANSARD)

Thursday, November 25, 1999

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue.)

OFFICIAL REPORT

CORRECTION

Hon. Dan Hays (Deputy Leader of the Government):
Honourable senators, I rise concerning the deliberations on Bill S-3 on Wednesday, November 24, to correct the *Debates of the Senate* at page 269. I should like to ask that the proceedings be corrected to reflect what the "blues" reflected in respect of a motion referring Bill S-3 to committee — something that will live in the records of procedure. I refer to where I referred the bill to two committees, something which has provoked some interesting comments from experts in procedure.

I have concluded that the proceedings should reflect what I said on that occasion instead of what is reported on page 269. When Your Honour put it that the bill be referred to the Standing Senate Committee on Banking, Trade and Commerce and then to the Standing Senate Committee on Foreign Affairs, I said:

I will go along with my earlier recommendation that it be sent to the Standing Senate Committee on Banking, Trade and Commerce and, upon completion of their review, that it be sent to the Standing Senate Committee on Foreign Affairs for their further review.

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THE SENATE

Thursday, November 25, 1999

The Senate met at 2:00 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

THE HONOURABLE P. DEREK LEWIS, Q.C.

TRIBUTES ON RETIREMENT

Hon. B. Alasdair Graham: Honourable senators, when Winston Churchill published a collection of his newspaper and magazine articles under the title, *Great Contemporaries of 1938*, he included a testimony to the life and work of Robert Baden-Powell, whom he called one of the three most famous generals he had known in his life. Baden-Powell, of course, was not only a respected general in the Armed Forces but also founder of the worldwide Boy Scout movement.

Churchill wrote that the "Be Prepared" motto of scouting's famous founder "speaks to every heart its message of duty and honour. Be prepared to stand up faithfully for right and truth, however the winds may blow."

Honourable senators, as I look through the documents pertaining to the wonderful career of Senator Derek Lewis, Q.C. — a public life marked by a deep commitment to service and devotion to duty — I found the influence of Baron Baden-Powell very solidly in his background. Derek was for many years a major figure in the Boy Scouts of Canada, having served over a period of time as secretary of the national organization, and he is now an honorary life vice-president.

Senator Lewis, as all honourable senators in this chamber would know, is a very modest person. Some might even characterize him as the Baden-Powell of Newfoundland. Legend has it that while Senator Lewis served in the Boy Scouts, Senator Joan Cook, who is his seatmate today in this chamber, was a member of the Girl Guides in Newfoundland. Senator Lewis was known to observe on occasion — and I just heard him repeat it — "You know, Joan, the 'Boy' Scouts"; to which the equally quick-witted Senator Cook would reply, "Yes, Derek, but the 'Girl' Guides."

Throughout those long years of dedicated service, Senator Lewis was committed to the development of the fullest potential of young people and the creation of responsible citizens — individuals with values which always centred on doing their best, both in their communities and their country, and always with eyes wide open on the international community. In many ways, the motto of "Be Prepared," which Baden-Powell himself noted was founded on his own initials and means that "you are always to be in a state of readiness in mind and body to do your duty,"

has been a hallmark of this distinguished senator who I have always been so proud for so many years to call a true friend.

Senator Lewis was admitted to the Newfoundland bar in 1947, only two years before this small, but significant nation in its own right — only two years before the tenth province — joined the Canadian Confederation. This year, as we celebrate the fiftieth anniversary of the union, unfortunately we are saying goodbye to one of Newfoundland's outstanding sons and gentlemen — a man who represents all the talent of a warm-hearted, resilient and dynamic people, the people of Newfoundland, in the political life of this country.

A native of St. John's and a highly respected lawyer, Senator Lewis brought his renowned sense of humour and his great skills at negotiation and compromise-building to the Senate of Canada upon his appointment in March of 1978. When I first met Senator Lewis, as so many of us made our first acquaintances, namely, through politics, Derek was Newfoundland chair or senior advisor in many federal election campaigns.

Senator Lewis' dedication and reliability are well known in this place. He has served on virtually every committee the Senate has struck and in so doing was widely renowned for his ability to work unfailingly with other committee members to come to consensus on often complex pieces of legislation.

• (1410)

The litany is extensive, it is impressive, and it is important for the record. Senator Lewis served on the Standing Senate Committee on Banking, Trade and Commerce. He served on the Standing Committee on Internal Economy, Budgets and Administration. For three years, between 1984 and 1986, he chaired the Standing Senate Committee on Legal and Constitutional Affairs, and he served as a member of that committee continuously from 1979 to the present. He has served on the Standing Committee on Rules and Orders or, as it became known after 1991, on Privileges, Standing Rules and Orders, for about the same duration of time — a little over two decades.

Senator Lewis brought his very considerable political gifts to the Standing Committee on Regulations and Other Statutory Instruments. He chaired the Standing Joint Committee on the Scrutiny of Regulations over much of the course of this decade. He often served on the Joint Committee of Printing of Parliament and the Special Joint Committee on the Reform of the Senate struck in the early 1980s.

Senator Lewis has, in addition to this already long and impressive list, served on the Special Joint Committee on the 1987 Constitutional Accord and the Special Committee on Bill C-110 (constitutional amendments) from 1994 to 1996.

It is no wonder, then, that this joyful Newfoundlander, with the quick wit and ready laugh, has acquired one of the finest reputations of any person ever to serve in this chamber. He is a man renowned for his generosity of time and spirit and energy in the service of his province and country. As a senator, he has always understood that the Senate of Canada, as I repeat over and over, is the workplace of government — a workshop wherein he acquired universal respect and admiration on both sides of this chamber.

For Derek Lewis, who gave so much of his volunteer time to scouting in this country, the road to success was always just a matter of doing one's duty and of paddling one's own canoe — as Baden-Powell once said — with heart and head, and to be prepared, as Senator Lewis has always been, to stand up faithfully for right and for truth, however the winds may blow.

Right and truth. Duty and honour. Fairness and equity. These words aptly apply to our departing colleague.

I also recognize the very supportive role played by Senator Lewis' wife, the amazing Grace, who is with us in the gallery today. Many of us in this chamber have been the beneficiaries of their friendship and their warm and very generous hospitality over a long, long period of time. They leave this place with the best wishes of all honourable senators and with our very sincere wishes for good health and much happiness together in the years ahead.

Hon. C. William Doody: Honourable senators, I should like to add a few words of good wishes to those of my colleagues on the occasion of the retirement from this place of our friend Derek Lewis.

I have known Senator Lewis here in this place for 20 years and before that back in St. John's. He is truly a very unusual man. I can honestly say that during all that period of time, I have yet to hear anyone utter an unkind or critical word about him. That is made even more remarkable by the fact that he has been a successful practising lawyer during all that period of time.

To make it even more remarkable, in addition to his very successful law practice during that period, he was and is very active in the affairs of the Liberal Party of Canada. I cannot recall an election, federal or provincial, in which Derek did not take an active part. He was a player in numerous campaigns, winning some and losing some. In my opinion, he won far too many and lost far too few, but then, again, I am looking at it from a different perspective.

Win or lose, Derek was always a gentleman: polite, well mannered, well turned out and meticulous to the extreme. In point of fact, I have heard it said in St. John's that Derek's most embarrassing moment was being caught one day with his necktie loosened.

No matter what the occasion, no matter winning or losing or any other way, all of his activities were always seasoned with a nice touch of a sardonic gentle humour that I think was unique to Derek Lewis.

In the Senate, I think he will be best remembered for his work on the Standing Senate Committee on Legal and Constitutional Affairs. Senator Graham has itemized quite properly and well the vast role of activities in which Derek participated in this place. He has been invaluable in the work of the Legal Affairs Committee, and his wide knowledge of the law and his practical common-sense approach to committee work and the tasks assigned to him will be difficult to replace.

Senator Lewis' attendance record in this place, of course, is something of which we can all be proud and that all of us should try to emulate. I did not see any reference to it in Claire Hoy's book, but I do not expect that sort of thing gets much attention anyway.

I served with Derek on the Standing Committee on Internal Economy, Budgets and Administration for quite a long period of time, and once again his work in that committee will be remembered, certainly by me.

Derek's work in Newfoundland in his chosen profession has been done with equal dedication and meticulous care. His career as a lawyer has long been recognized by his peers. He was a bencher of the Law Society of Newfoundland from 1962 to 1978. He assumed the chairmanship of the Law Foundation of Newfoundland in 1979.

Honourable senators, Derek Lewis has pursued the practice of law in the province of Newfoundland since 1947. That was shortly before the Confederation episode referred to by Senator Graham. I am still trying to find out if Derek was a confederate or an anti-confederate. He refuses to say. Sometimes he refers to himself as a reluctant Canadian. He does that in the past tense, so I do not know exactly what that means. I am trying to find out for certain if he was or was not, because it was a very close margin there, as honourable senators will remember, and there may be grounds for a recount.

Derek Lewis has been active in the affairs of our province and our city. His work with the Boy Scouts of Canada has been mentioned. He is well recognized in Newfoundland for that, for his work with the Game Fish Protection Society of our province, and for his work with various and sundry other volunteer organizations that are so vital to the orderly progress of society in Newfoundland. Indeed, Derek has been active in just about everything. He has given generously of his time, whenever he has been asked, and we are all grateful to him.

I will not go into any detail with respect to Senator Lewis' work with the Liberal Party, as Senator Graham is far more capable of doing that. Besides, it would not sound very complimentary from my point of view.

I wish Derek and Grace many happy years of retirement. In that, I include the hope that he retires from the Liberal Party, as well as the Senate, for obvious reasons.

Thank you, Derek.

Hon. Joan Cook: Honourable senators, those of us who aspire to public life believing that we can bring about change, change that will ensure a better quality of life for all people, need look no further than to my friend and colleague Senator Derek Lewis. He is of a quiet strength, with an extraordinary character and incredible wit.

As Derek is ever ready to remind me, brevity is the soul of wit, so I simply say my association with him and his wife, Grace, spans some 30 turbulent political years. Many and varied have been the challenges, highs and lows. Were I to write a book, I can assure Senator Doody that it would ensure me a best-seller.

● (1420)

During that time, Derek was the Liberal Party's provincial treasurer. Candidates and campaign workers alike seeking necessary funds believed that if they had enough money, they would surely win. His patience, I know, is infinite because in this regard he was certainly tried. However, when time after time we tasted electoral defeat, Grace was always there with her comforting ginger snaps to ease our sense of loss and dejection.

To give you a glimpse of Derek's philosophical attitude, two things stand out from that period. First, you did what you could. Second, money does not win elections; you will win when the people are with you.

Therefore, in the immortal words of the late Don Jamieson, when speaking of our Newfoundland heritage, that describes you both so well, I end by saying:

The sea made the land and the land made the people, may they never change.

Derek and Grace, may you never change, and long may your big jib draw!

Hon. Ethel Cochrane: Honourable senators, I am sorry to see the departure of Senator Lewis from our ranks. I know that we have sat on opposite sides in this chamber, but, as senators from Newfoundland, we have sat on the same side of many an airplane over the years and shared all too many flight delays and diversions.

I did not know Senator Lewis before I came to the Senate. He lived on our province's East Coast, while I reside on the West Coast of Newfoundland, some 1,000 kilometres away. We first met in Ottawa and soon developed a friendship based on our common bond as representatives of our province, a friendship that has survived our political differences over the years.

When I first arrived here in 1986, I had no understanding of how the Senate operated, where to go or what to do. Senator Lewis was a tremendous help to me in surviving those early months here. He acted as a mentor to me then and has continued over the years since to offer me wise counsel, and, I might add, without charging me a cent.

I have never known Derek Lewis to be in a melancholy mood. No matter how dark or foreboding the weather or the political situation might be, Derek Lewis will always boost your spirits. He has an admirable ability to recall a joke at any time to suit the occasion. With Derek, jokes are often unexpected, and he can tell very humorous ones without even cracking a smile.

Despite the wit and the humour he displayed to his friends, Derek Lewis presented a very quiet face to the public. He has always been a very private individual, never looking for publicity for his actions and contributions. He has been admirably successful in public life as a fundraiser for his great Liberal Party, as a member of the national executive of that party, and as a faithful and dutiful contributor to the work of the Senate. He has served his party, his constituents in Newfoundland and Labrador, and Parliament, quietly and well for many years without seeking a spotlight to shine on his accomplishments.

Before coming to the Senate, Derek Lewis was a very prominent lawyer, practising in St. John's. He was highly respected and well regarded in his community. He had a partnership in his earlier days with Finton Aylward and John Crosbie. There they were, a staunch Liberal, partnered up with the very Conservative Finton Aylward, who would go on to become a justice in Newfoundland and Labrador, and partnered up as well with young John Crosbie, who would go on to a very distinguished career as a Conservative federal cabinet minister and now is Chancellor at Memorial University. Who knows what Derek Lewis could have made of himself if he had only seen the light and shifted his political allegiance in his youth.

Senator Lewis continues to practise law part-time with the firm of Lewis and Day. His practice includes some of the most distinguished lawyers in our province. I am sure his colleagues in his firm join us in wishing Derek well on this occasion.

Derek and his wife, Grace, own a home on Hogans Pond, in St. John's. I know they enjoy swimming in that pond every morning during the summer. I hope they will continue to enjoy Hogans Pond and all the other delights of Newfoundland and Labrador for many years to come.

God bless you, Derek!

Hon. Joyce Fairbairn: Honourable senators, it is a sad day for the Senate when we must say farewell to a colleague such as Senator Derek Lewis who has made an enormous contribution to this place for more than 20 years. He has carved out a special spot in the Senate, both in terms of the work that he has done and his personal influence on individuals like myself, Senator Cochrane and so many others who have sought his advice and support in our efforts to better understand and develop our own role here.

Newfoundlanders and most especially Senator Lewis bring to Parliament and certainly to this chamber a very different point of view and attitude than those from other provinces, a sort of briny freshness from their history as the newest province to enter our Confederation, at 10 minutes to midnight on March 31, 1949.

We have learned from our Newfoundland colleagues a great deal. We have learned also that we are very lucky to have them here because their arrival was no means by a landslide vote. I believe the vote was won by 52.3 per cent. We have listened to them reflect on the pros and cons of their new nationhood. I have certainly profited from the intensity of the patriotism they give to Canada without relinquishing one ounce of the emotion and pride that belongs to their island home.

Derek Lewis is not a great talker; he is a doer. He listens and he evaluates. When he finally speaks up, whether it is in this chamber or on the multitude of committees on which he has served, he does so with care, wisdom and an economy of words.

I have noticed also over the years that he will not let go. He is a little like a terrier with a bone if he feels a witness or a colleague is holding back or evading an issue. He was a model for me for years on the Standing Senate Committee on Legal and Constitutional Affairs. When large and difficult issues loomed in this chamber on the constitutional question of changes to the Newfoundland school system, his advice to me was invaluable.

Senator Lewis is a lawyer who was described by none other than his fellow Newfoundlander John Crosbie as "a quiet but great legal mind." He is not reluctant to use it, either. He was hardly dry behind the ears as a senator before he was trying to change this place as a member of the Special Joint Committee on the Reform of the Senate, chaired by our present Speaker Senator Molgat, in 1983.

Senator Lewis also turned a previously dry and, some would say, incomprehensible joint Scrutiny of Regulations Committee into an art form, causing consternation in certain circles from individuals who had been lulled into a false sense of security that no one was really paying any attention.

• (1430)

As others have noted, Senator Lewis has taken on just about every significant committee in the Senate, and has most recently been a key member of the Standing Senate Committee on Foreign Affairs.

However, with all of his experience and his tremendous sense of duty to his responsibilities here, it is the kindness, the generosity, the deep sense of fairness, and the compassion for individuals less fortunate than ourselves that will remain fixed in my recollections of friendship with Senator Lewis.

While enthusiastically seizing the opportunity for public service, he has never forgotten where he came from nor the needs and the strengths of the people of his beloved Newfoundland, where he is so admired. Indeed, within my own Liberal Party, one simply did not set foot in St. John's without giving Derek a call. Regardless of his work, or the weather, he would make time for a visit.

I have painted a rather saintly portrait of my dear colleague, but I should note also that he has a devilish sense of humour, is a great storyteller, and has been known to relish a few sips of light

rum. He has said that the person who will be most happy with his retirement is his wife, Grace, who has so strongly supported him, even as he set out on a new career that would take him away from the Island regularly, week after week, over these past two decades. That says much about the strength of their relationship. I wish them both many happy years together.

Derek is not sure which new challenges he will take on, but I would encourage him not to forget to stick to his knitting.

Hon. Gérald-A. Beaudoin: Honourable senators, Senator Lewis was born in Newfoundland in 1924. He attended Memorial University in St. John's, studied law, and was admitted to the bar of that province in 1947. He practised law in St. John's with the firm of Lewis, Day, Cook and Sheppard. He married Grace Knight in 1961. He was appointed Queen's Counsel in 1964 and was a bencher of the Law Society of Newfoundland from 1962 to 1978. He was appointed to the Senate in 1978.

[Translation]

Senator Lewis is a lawyer in private practice. This fact has marked his life. Since his arrival in the Senate, he has long been a very active member of the Standing Senate Committee on Legal and Constitutional Affairs, where he earned an excellent reputation. Since arriving in the Senate in 1988, I have worked with him on this committee for many years.

He is a practical man. His feet are firmly planted on the ground. His mind is alert. He is a man of sound judgment. He is friendly and he is focused. We will miss him a lot.

[English]

Senator Lewis chaired the Standing Senate Committee on Legal and Constitutional Affairs from 1984 to 1986, co-chaired the Joint Committee on the Scrutiny of Regulations from 1994 to 1997, and was a member of that committee for many years. He also served on an impressive number of other committees: the Standing Committee on Privileges, Standing Rules and Orders; the Committee of Selection; the Special Joint Committee on the Reform of the Senate, from 1980 to 1983; the Special Joint Committee of the Senate and of the House of Commons on the 1987 Constitutional Accord, in 1987 and 1988, among other committees.

It has been said that the great contribution of the Senate is its work related to the improvement of legislation and its work in committees. Senator Lewis is a committee man and a great expert in legislation.

I wish to thank him very much.

Hon. Lorna Milne: Honourable senators, let me share a few more stories with you about the Honourable Senator Derek Lewis, starting with the day that I think we became friends. It was like a tale out of Edgar Allan Poe: "Once upon a midnight dreary, as I pondered weak and weary..." Of course, it really was not quite that late, but I was alone in my office on the mezzanine floor of the Senate about four months after I was called to this

place, and I was getting a bit fed up with it. That night, I heard a little tap at the office door. It was Senator Lewis and Senator Bonnell. Derek said, "We thought you might still be here and we wondered if you would like to join us for Chinese." Well, I had my coat on and I was out the door almost before he finished his sentence.

Since that day, Ross and I have become true friends, I think, with both Derek and the "amazing Grace." Actually, we have seen far too little of Grace over the years, for she is great fun. I have enjoyed every minute that we have spent together.

During his time here, Senator Lewis has been the mainstay, as has been amply pointed out, of several committees, but particularly of the Standing Senate Committee on Legal and Constitutional Affairs. As several people have said, he served for some time as chair of the committee, and he was the ideal committee member. He was always there, and usually on time. He stayed until the bitter end of every meeting. Whenever the questioning of a witness began to falter, he would come up with a question that revived the proceedings or opened up an entirely new facet of the bill that we were studying, or perhaps a possible unforeseen result of that bill.

Every committee chair knows how vitally important it is to have the right motion made at precisely the right time, and Derek could always be relied upon to do just that. His sense of timing has always been absolutely brilliant, and his advice on the committee's proceedings was always completely reliable, for, as others have said, his legal mind is impeccable.

Of course, Derek, like all Newfoundlanders over the age of 50, is Johnny-come-lately to the business of being Canadian. Derek was indeed a most reluctant Canadian. He voted at least once, I believe, against joining Confederation. In fact, he thought it was just a terrible idea. However, once Canada joined Newfoundland, he took to our politics with some enthusiasm — at times perhaps with a bit too much enthusiasm.

Derek, I do hope that you will write a book. Do not leave it to Senator Cook. Tell the world of your escapades — tales like the one about taking out the garbage right under the nose of your old law partner's cohorts, and tales about what might be stored in the office safe.

Of course, that was back in the bad old days when Derek's law partner was a certain John Crosbie, a sometime Liberal who went on to fame, or perhaps infamy, in the other place. I hasten to add that Derek has become much more proper since those days, or so he says.

Derek, my friend, the number of people in this chamber today who have said that they will miss you is a measure of the kind of person you are. I know that I will miss you dreadfully. I will miss your staunch advice, your reliable presence, and your marvellous, quirky sense of humour. Most of all, I think, I will miss the comforting knowledge that a true friend is walking these

halls every day. I promise that we will stay in touch and we will remain friends, even if it has to be at a distance.

Hon. Consiglio Di Nino: Honourable senators, I should like to speak of another element of Senator Lewis' contribution to Canada and Canadians, of which most of you may not be aware.

• (1440)

You may have noticed from time to time when we see each other that we shake hands with our left hands. That is not a sign of membership in a secret society; it is a sign of membership in a wonderful society that has done a great deal of work in this country. Senator Lewis has been a long-time, dedicated and hard-working member of the scouting community, a passion we both share. He has been rewarded in numerous ways by that community, in particular latterly as honorary vice-president of the national body, a title I was also honoured to receive.

On behalf of the scouting community, Senator Lewis, thank you for all of the great work you have done. Good luck and good scouting. May you have many years of long and happy life left.

Hon. Sharon Carstairs: Honourable senators:

If you can talk with crowds and keep your virtue,
Or walk with Kings — nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much:
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And — which is more — you'll be a Man, my son!

Those words, written by Rudyard Kipling, were obviously not written in knowledge of Derek Lewis, but it must have been someone very much like Derek Lewis.

Honourable senators, we refer to each other in this chamber as honourable colleagues, but I must say that none is more honourable than the Honourable Derek Lewis. I have known Derek since he and I sat together on the national executive of the Liberal Party of Canada in 1975 — he representing the marvellous province of Newfoundland and I, in those days, representing Alberta.

Derek Lewis was then, and is now, a very gentle man. He is clearly of the view that his successes — as he has had a great many of them — could and would be achieved only through his own work and effort. Senator Lewis has never felt the need to use other people in order to achieve his personal goals. No one has ever been able to claim that Derek climbed over them in his search for success, because Derek believed that it was in helping others that his own life could be enriched.

Although a successful lawyer and parliamentarian, my own view of Derek will always be of a kind man, with a gentle sense of humour, who was always very supportive of me in a quiet but clear manner.

When I was the chair of the Standing Senate Committee on Legal and Constitutional Affairs and Senator Nolin was my deputy chair, Senator Lewis was the other member of the steering committee. When I became Deputy Leader of the Government in the Senate, I knew he was always there, willing to lend a helping hand in his quiet but very determined way.

Derek and Grace graciously entertained all of the members of the Standing Senate Committee on Legal and Constitutional Affairs at Hogans Pond in Newfoundland when we went there to study the Newfoundland school question. As Derek well knew, I had problems with that amendment; on the other hand, he was clearly supportive of the amendment. At no time, however, did that get in the way of our affection and respect for one another. I must say, I was much more concerned with upsetting Derek than I was with upsetting the government.

I will miss Derek in this chamber. I will miss Grace in her all-too-infrequent visits to Ottawa. I wish them many years of retirement together in their beloved province, and particularly at Hogans Pond. I hope they will keep in touch, as good friends are rare, and they are the best of friends to all they know.

Hon. Jeremiah S. Grafstein: Honourable senators, we are here today to celebrate the long and illustrious Senate career of our friend, Derek Lewis, on his retirement — the quiet, modest man from Newfoundland.

Is it not appropriate that we pause and remind ourselves of the delicate balance the Senate plays in our public life and the quiet, almost invisible principles that render our work here significant and credible?

When I first came to Ottawa in 1966 to work as the chief of staff to a minister, I was advised that it was essential to learn about the work of the Senate. I knew very little about how the Senate actually worked.

On a sunny day in July, I sought an appointment through Torrance Wiley, an old friend and then executive assistant to the Honourable John Connolly, the powerful leader of the government in the Senate. I was immediately invited to see him. I attended in his beautifully panelled and sunlit corner office across the hall from the Senate chamber, now occupied by the current Leader of the Government in the Senate. Senator John Connolly left me with one simple message: If the minister and I, as his senior staff person, would respect the Senate and its responsibilities, the Senate would respect our work and my job would be easier.

Almost two decades later, when I was fortunate enough to be called to the Senate, I was immediately approached by an old friend, Senator Godfrey, the father of John Godfrey of the other place. Senator Godfrey handed me the red Senate rule book and said, "Respect the rules, and you will get respect from the Senate."

Shortly thereafter, the outspoken Senator McElman of New Brunswick advised me that the heart of the Senate was the

work of its committees. While most of us are partisan, he reminded me that we can shape bad government policy through the quiet, unheralded and deliberative work of Senate committees. "Work hard at committees," he admonished me.

Then I encountered Senator Ian Sinclair, who at that time had just recently been appointed to the Senate. Formerly, he was the very successful chief executive of Canadian Pacific, one of the largest corporations in Canada, and a living legend in business circles. Senator Sinclair advised that his experience in business taught him that his best work — and hence the best work done in the Senate — is the work done by senators themselves. He suggested that hard work in the chamber and in the committees would bring its own personal satisfaction and personal rewards.

Finally, Senator MacEachen of Nova Scotia — formerly a leader of the government in the Senate — repeatedly reminded me, and all of us on this side, that in order to maintain our own persona's credibility and the credibility of the Senate, we must maintain at all times a respectful arm's length distance from the other place down the hall and from the other place across the street. Echoes of his advice reverberated in the Senate just yesterday, when Senator Murray raised the question of pre-study. Senator MacEachen was staunchly opposed to pre-study of government bills, as it had the undesirable effect of diminishing the credibility of the Senate as a chamber of sober second thought, as a chamber independent of the other place and of the other side of the street, independent in the eyes of ourselves and the public we serve.

Hence, honourable senators, for me there has been a delicate balance of principles at work in the Senate. The torch of power in the other place is always alluring, but if we get too close, the Senate and our work here can be burnt and turned quickly to embers and ashes. These were the first principles I garnered about the Senate. Principles and practice march best when they march together.

All of this, honourable senators, is by way of preamble to my tribute to our good friend Derek Lewis, who leaves us for a well-earned retirement. For me, Derek brought all of these principles alive. Derek respected this institution. Derek gained an encyclopedic knowledge of the rules and respected the practices of this place. He was the ultimate draftsman when it came to committee work. Derek was quiet, careful, competent, witty and deliberative. He always did his own work. He always retained a respectful arm's length from the powers that be.

• (14:50)

In a phrase, Derek was a senator's senator, a public solicitor's solicitor. In that sense, he is a diminishing resource here in the Senate. For these reasons and for the loss of the pleasure of his company, his departure will leave the Senate sorely depleted.

Derek, your race is run. Your duty is done. You and Grace are heartily entitled to a good and healthy retirement. As they say in the Jewish tradition, "May you live in good health to 120 years." God bless.

Hon. Landon Pearson: Honourable senators, when I first joined the Senate, Derek Lewis' face was one of the very first to emerge out of the unknown crowd of faces that confronted me every day in this chamber. His manner was friendly yet modest. His perceptive good humour would constantly direct me toward what did and did not matter in this house.

I greatly value the five years I have shared with Derek in this place and the knowledge that he has passed on to me in his inimitable style. I also value the fact that he regularly conveyed to me that he respected me both as a colleague and as a woman.

Derek Lewis will be greatly missed, and I join all honourable senators here today in wishing him and Grace Godspeed. May their life after the Senate be considerably richer and more entertaining than they can possibly imagine now.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I am pleased to stand with my colleagues and pay tribute to Senator Derek Lewis. I first met Senator Lewis here, not in my role as a senator but as the son of a senator. Senator Lewis was a good and close friend of my father, who was serving in the Senate at the time. Senator Lewis was introduced to me as a very special person. One of the real treats of my service here has been that I, too, have gained and enjoyed the friendship of Senator Lewis.

We have heard already that Senator Lewis is a remarkable man, a senator, a lawyer, one of Her Majesty's counsel, learned in the law and, perhaps most important, a volunteer in his community. I congratulate him on that and I thank him for it.

Senator Lewis has represented the best of the Senate in his quiet dignity, profound competence and hard work. He knows what is required to make this place work. It is not only Senator Lewis who retires today, however. We must also think about the contribution of Grace. She has our thanks for her tolerance of Derek's many absences. We also thank Senator Lewis' long-time assistant, Sallie.

Senator Lewis, enjoy your retirement. You have worked hard. The Senate will miss you. May you have a long and happy retirement. We hope to see you and Grace often. In a quiet, firm and effective way, you have served your province and your country with distinction. You will be missed in this place.

Hon. Edward M. Lawson: Honourable senators, many things have been said about the outstanding career and the accomplishments of Senator Lewis, but for people who come from the West, it is always a remarkable thing to meet someone with the wonderful wit and sense of humour of Senator Lewis.

We both have been here for a long time, but when we arrived, there was an older senator here who had been around for many years. This old senator would often say that when he would die, he intended to take everything with him, and he was serious. He came from that part of world. He had accumulated an estate of \$300,000 in cash, so he called together his doctor, his minister

and his lawyer and good friend Senator Lewis and he repeated his vow. He gave them each an envelope containing \$100,000 cash and told them that when he passed on they were each to drop the envelope into the box containing his remains.

The old senator passed on. The three men all dutifully marched forward and dropped their envelopes into the coffin. As they were walking away, the doctor said that he had a confession to make. He felt the needs at the hospital were so desperate, with government cutbacks and so on, that he withheld \$25,000 in cash.

The minister responded that he, too, had a confession. Given the demands and stresses and desperate needs in the church, he had held back \$40,000 of the cash.

Senator Lewis told them that they should both be ashamed of themselves for breaking their solemn, sacred promises and assured them that he had faithfully placed in the casket his envelope containing his personal cheque for the whole \$100,000.

No matter what problems you bring to this place, though you may have the weight of the world on your shoulders, when you meet Senator Lewis, you must smile. He is a joy to be around with his own quiet way, his wonderful wit and his wicked sense of humour.

Senator Lewis, we shall miss you!

[Translation]

Hon. Léonce Mercier: Honourable senators, it is my pleasure to pay tribute to Senator Derek Lewis, who distinguished himself through his sense of justice and his sense of diplomacy.

I have greatly appreciated this Newfoundlander's qualities. Senator Lewis carried out his duties with honesty and ability. His intelligence and sense of humour helped strike a balance among his fellow senators. This is a rare skill!

[English]

Senator Lewis often embodies the saying, "To your own self be true," letting us all know that he is a man whose word is gold, who is dependable and trustworthy. I only hope that all Newfoundlanders are the same, for Senator Lewis has set an incredible standard that will be hard to follow.

Senator Lewis, you have done both your province and your country proud with your service. I wish you all the very best.

Hon. P. Derek Lewis: Honourable senators, I thank the previous speakers for their comments. Even if some of it was greatly exaggerated, I, of course, will not dispute a word of it, particularly the kind things that have been said. I will leave the disputing to others. The tone of sentiment and the affection of your remarks are greatly appreciated and will be long remembered.

I have had the privilege to be a member of this chamber for just over 21 years. I have greatly enjoyed and been honoured by the opportunity to associate with so many diverse, knowledgeable and accomplished colleagues.

During my time here, I have made many close friendships that I will always cherish. I must say, I certainly enjoyed working with members on both sides of the chamber. My only regret is that, due to circumstances, I have in the past year been somewhat restricted in my activities and have not had the opportunity to get to know a little better the more recent appointees to the chamber.

At one time, I had no use or regard for the political process or for politicians. However, after becoming involved in politics myself, I quickly came to understand, appreciate and sympathize with those involved for their work, tribulations and uncertainties. It was curiosity that first led me to get involved in politics. As some of you may know, once you get involved in a project, you find yourself on a treadmill that goes faster and faster until you are hooked.

When I first came here, unlike so many of you, I had no previous experience with parliamentary procedure. It took some time to become familiar and comfortable with the ongoing activities. Some of those activities were so unpredictable that they could at times be personally confusing.

To me, there is a need for all new senators to have available an orientation program to make them aware not only of the procedure but also of the various services and facilities available. In many instances, this knowledge was only gained by me through discussion with colleagues, similar to that which my colleague Senator Cook has found. This is a pity, as such information is readily available if one knows where to seek it. Over the years, many new senators have expressed similar concerns. I understand that in the last few years steps have been taken to improve this situation. It is certainly important that, as soon as possible, new senators become familiar with the *Rules of the Senate*.

• (1500)

I have greatly enjoyed, and endured, many years of work on various committees. I have been impressed with the depth and quality of investigations carried out therein. Certainly, as others have said, the work of committees is one of the most important activities of the Senate.

Two committees on which I served come to mind. One of my first committees was the Joint Committee on Scrutiny of Regulations. It had a different name then. At first, like many others, I did not find it very interesting, but I soon came to appreciate its importance as the watchdog on the bureaucracy, and I actually came to enjoy the process. It was a pleasure to work with the staff and officials of the committee. They do such an excellent job in the tedious work of investigating and analyzing regulations and orders. On this committee, I served with various joint chairmen who, on the Senate side, included former senators Lafond, Forsey, Godfrey and Nurgitz, and of

course the present Senator Grimard. More recently, our chairperson has been Senator Hervieux-Payette. I myself served for a while as the joint chairman of the committee.

I also had a very long tenure on the Standing Senate Committee on Legal and Constitutional Affairs, which has always been one of the busiest Senate committees. I had the pleasure of serving with such various chairpersons as former senators Stanbury, Neiman and Nurgitz and present Senators Beaudoin, Carstairs and Milne. The work of this committee was most interesting and important. The leadership exercised by these chairpersons contributed in no small way to the accomplishments of the committee.

I should now like to say a few words with regard to the question of reform of the Senate, which ever since its establishment has been a topic of much ongoing debate and controversy. I note that soon after being appointed here, the question of reform to make the Senate an elected body again came under discussion. In 1980, a joint committee of both Houses of Parliament was established to consider ways by which the Senate could be reformed to strengthen its role in representing people from all regions. I was appointed to that committee under the joint chairmanship of the Honourable Senator Molgat and the Honourable Paul Cosgrove. After many meetings in various parts of the country and hearing much evidence, submissions, and discussion, the committee came to the conclusion and reported to both Houses that the Senate should be elected by the people, and it set out suggestions as to how this could be achieved. That report was tabled in 1984. As honourable senators know, nothing has changed since.

I recommend that senators read that report. You will note that the consideration of the committee was only on the question of whether the Senate should be an appointed or an elected body. The questions of whether Canada should actually have a bicameral form of government and what the powers and duties of such a second chamber should be were not before the committee. These questions have, over the years, been largely ignored. To my mind, these are crucial questions that should first be addressed before settling on the method of selection of members to any such second chamber or the division of membership by region or province.

In this respect, I note that Senator Joyal is presently in the process of forming an informal committee of prominent academics to study these matters. For his efforts, Senator Joyal has been described in the press as the Sir Galahad of the Senate. We can look forward to the results of this study and any recommendations that may be made.

Before I close, I should like to thank all of you who have in any way assisted me in my work here over the years. I thank all staff and officials for the kindness and help they have shown me. In particular, I thank my secretary, Sallie DeLaplante, who is in the gallery, for her loyalty, assistance and efficiency over such a long period. Of course, I must thank my wife, Grace, for the ongoing and loving support she gave me during this time.

I should mention one other thing. I do not do so as a point of privilege. It appears that there is a prankster in the chamber. Just a little while ago, I guess out of deference to my age and for my comfort, there appeared under my desk a blanket. I know not from where it came.

Senator Di Nino: It is probably from Grace!

Senator Lewis: It might have been, but I will leave it here for the next occupant of this desk.

Thank you all for your forbearance, and I wish you all the very best in the future.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

THE LATE ALLAN AUSTIN LAMPORT, O.C.

TRIBUTES

Hon. Francis William Mahovlich: Honourable senators, the former mayor of Toronto, Allan Austin Lamport, has passed away. Alan Austin Lamport, Order of Canada, Member of the Ontario Legislature, Chairman of the Toronto Transit Commission, member of the Royal Canadian Air Force, was known as "Lampy" to most of his friends.

I came to know Lampy in the early 1950s when I first arrived in Toronto. The year was 1953-54, the subway was open, and Lampy was mayor. This was a blessing for anyone who had to work at Maple Leaf Gardens. Time was of the essence, and hockey practices after school did not leave one with much time for dinner or studies. The subway saved time.

The mayor was famous for his malapropisms or "Berra-isms". Before the U.S. had Yogi Berra, Canada had Allan Lamport. Here are some of them:

Toronto isn't what it was, but then again, it never was.

Let's jump off the bridge when we come to it.

I sold my house and moved into a pandemonium.

We've got to act wisely or other wisely.

It's like pushing a car uphill with a rope.

I resemble that remark.

Lampy found his "Lampy-isms" a formidable weapon in his political career.

The man who "denied all allegations and defied the alligators" had some losses: the Red Ensign, the Royal Canadian Air Force,

a lawsuit over slander by a taxi driver and his St. David's seat to William Dennison when he was transferred to the East Coast in 1945. I think 1945 was the year Senator Milne was born, and she happens to be the daughter of William Dennison.

Who knows what's in the foreseeable future?

Well, 40 years after he opened the subway and I arrived on the scene in Toronto, we were both named to the Order of Canada in 1994.

What you're telling me is of major insignificance.

It's hard to make predictions, especially about the future.

The one thing that I could predict about Lampy was where he sat at the Hot Stove Lounge at Maple Leaf Gardens. I would come in the entrance door, hang my coat and hat, make a right turn, and there was Lampy, a true politician, shaking everyone's hand as they came in for the luncheon.

No one should ever visit Toronto for the first time.

We are lost, but we are making record time.

These are some more quotable quotes from the man who gave Toronto Sunday sports.

Now for your final conclusion, Lampy, you will always be remembered as the man with the "turmoil touch". God bless!

• (1510)

Hon. Peter A. Stollery: Honourable senators, I saw Senator Mahovlich on Sunday evening at the funeral parlour where Allan Lamport was lying. I should like to associate myself with his remarks for personal reasons. My father, Alan Stollery, was a great supporter of Allan Lamport. I remember in my youth the events like Sunday sports, like the first public housing project in Canada, and all of the other things that made Allan Lamport, without a doubt, the greatest mayor of the century in Toronto.

ROUTINE PROCEEDINGS

FISHERIES

FIRST REPORT OF COMMITTEE TABLED

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Fisheries, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate.)

SECURITY AND INTELLIGENCE

FIRST REPORT OF SPECIAL COMMITTEE TABLED

Hon. Eymard G. Corbin: Honourable senators, on behalf of Senator Kelly, and pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Committee of the Senate on Security and Intelligence, which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate)

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE TABLED

Hon. Pierre Claude Nolin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Internal Economy, Budgets and Administration concerning the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report, see today's Journals of the Senate.)

[English]

TRANSPORTATION SAFETY AND SECURITY

FIRST REPORT OF SPECIAL COMMITTEE TABLED

Hon. J. Michael Forrestall: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Committee on Transportation Safety and Security which deals with the expenses incurred by the committee during the First Session of the Thirty-sixth Parliament.

(For text of report see today's Journals of the Senate)

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, November 30, 1999, at 2 p.m.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Lorna Milne: Honourable senators, I give notice that on Tuesday next, November 30, 1999, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit on December 1, 1999, at 3:30 in the afternoon, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

PRIVILEGES, STANDING RULES AND ORDERS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Serge Joyal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Committee on Privileges, Standing Rules and Orders have power to sit at 4:30 p.m. on Tuesdays, even though the Senate may then be sitting, from now until the end of December 1999, in order for the committee to deal expeditiously with the question of privilege raised by the Honourable Senator Bacon, in addition to the questions of privilege of the Honourable Senators Andreychuk and Kinsella, and that rule 95(4) be suspended in relation thereto.

[English]

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, did I hear Senator Joyal say that the motion was for 3:30 or 4:30 p.m.?

Senator Joyal: I said 4:30.

Senator Lynch-Staunton: I thought the Speaker *pro tempore* had said 3:30 p.m.

Once again, honourable senators, we are faced with committees asking to sit while the Senate is sitting. Perhaps the Senate should await the committees to settle their sitting hours, then we can determine our own. We are turning the whole thing upside down.

Four committees in two days have asked to sit while the Senate is sitting. I leave that with senators to reflect upon. Hopefully, next week we can come to some kind of agreement not to have committees sitting while the Senate is sitting, unless there is an emergency. I do not think studying a question of privilege is an emergency, and I do not see why the committees cannot sit on a Monday, Tuesday, Wednesday or Thursday night or on a Friday morning. They seem to be constantly intruding on the work of the Senate. I agree that committees take senators away to important assignments, but we have important assignments in this chamber as well.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, Senator Lynch-Staunton, the Leader of the Opposition, has raised a valid point. It is something that we senators, together, must reflect upon and, as Senator Lynch-Staunton suggests, come to some sort of decision on the times allotted to committees for meeting that will not interfere unduly with the work of the chamber.

When I sat at the back of the chamber, I did not feel that way so much as I do now, as I see the chamber emptying as the afternoon wears on. The point that has been raised by the Leader of the Opposition is a good one. I accept his invitation to reflect upon it, and I will raise the matter with my colleagues on this side to determine how we can ensure that the Senate's important committee work is done without compromising the work of the chamber.

Hon. Peter A. Stollery: Honourable senators, this subject, in a sense, points up the same problem that has been created with the new block system for committees, which is causing considerable difficulty. Perhaps we could revisit that issue at the same time that we are visiting the question of committees sitting when the Senate is sitting.

The Hon. the Speaker *pro tempore*: Is it your pleasure honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1520)

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTER FLEET

Hon. J. Michael Forrestall: Honourable senators, the Leader of the Government in the Senate has given us the assurance, which we accept, that Sea King replacements for shipborne activity is a top priority of the Minister of National Defence. Two days ago, the Parliamentary Secretary to the Minister of National

Defence, in answer to a question in the other place, said that the decision rests with the minister and sits on his desk. Today, the Deputy Chief of Defence Staff said that the Armed Forces signed off the statement of requirement in late June or early July. In other words, the minister has been sitting on this for some time now.

What is the holdup? Has there been a departure from the defence white paper of 1994 which said that this was a top priority then and that its fulfilment would be achieved by the end of this decade?

Hon. J. Bernard Boudreau (Leader of the Government): As the honourable senator points out, it appears that preliminary work has been done with respect to this decision. When I combine that with the assurance that I received from the minister, that this represents his top priority, I am very hopeful that a decision will be forthcoming in the very near future.

Obviously, the Minister of Defence does not make decisions involving major expenditures without reference to colleagues, as would be the case with any other department of government. However, we certainly have some encouraging signs from the minister.

REPLACEMENT OF SEA KING HELICOPTER FLEET— POSSIBILITY OF REMOVING TROOPS FROM TROUBLED AREAS

Hon. J. Michael Forrestall: Honourable senators, these are encouraging signs five years after the fact. The patient is not very well.

We had the spectacle today of senior members of the Canadian Armed Forces resorting to the tactics of the political chamber down the hall; screaming, hollering, and begging for the wherewithal to acquire new equipment.

The minister will be aware of Operation Cobra, initiated some years ago, in which the Armed Forces had to rely on the Sea Kings in the event they had to extract troops from Bosnia. We now have some 4,500 Canadian Armed Forces personnel serving in dangerous places around the world. What piece of equipment would we use to extract those people and bring them to safety were we to face such a requirement today?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, Senator Forrestall knows that senior military officials are always able to express a need for additional equipment, and there is always such a need. We have equipment that has been in service for a considerable period of time, and the Minister of National Defence has made it his priority to have this equipment replaced as quickly as reasonably possible.

With respect to the Sea Kings helicopters, the honourable senator has and continues to forward his view that the replacement program has not moved ahead quickly enough. I cannot speak to what has happened in the past, but I am hopeful that we will be able to move forward in a reasonable time frame to replace that equipment.

Honourable senators, I am not a military strategist, but I know that there are types of equipment that have performed quite well in moving personnel and material into areas of our responsibility around the world. It is to be hoped that that capacity, which has been used recently, remains at the ready.

Senator Forrestall: Honourable senators, my concern is for the well-being of Canadian Armed Forces personnel. They are flying in equipment which, when serviceable, is serviceable for only a short period of time. The equipment is old and unreliable.

We had the phenomenon of having to evacuate a school in Cape Breton as recently as yesterday or the day before because a Hercules aircraft developed an engine leak and had to make a precautionary landing, at best, and probably an emergency landing. We know that the Hercules are overdue. We know that the Labradors are grounded. We also know, from the front page of *The Ottawa Citizen* today, that we are paying some \$10 million to the Americans so that we might have a place at the table as Boeing and other manufacturers develop the next generation of supersonic fighters and defence aircraft. We are paying \$10 million just to sit at the table to know what is going on. Presumably, that is so we can replace the F-18s.

If we can spend \$140 million here and \$147 million there, why not buy a position to be in on the design of the Cormorant or Sikorsky run of new equipment to ensure that they are outfitted with the task requirements set forth by the statement of requirement, which requirements have been available since we started looking at the EH-101? Why can we not purchase that new equipment and put it to work?

Honourable senators, people are beginning to believe that the actions of the government are amoral, and soon they will be immoral. Please act before we lose any more lives.

Senator Boudreau: Honourable senators, I share the concerns of the honourable senator, as I am sure do all members of the Senate, with respect to the safety of our Armed Forces and their operational efficiency.

We are talking about complex equipment, and even complex equipment breaks down. In fact, even new complex equipment breaks down and requires servicing. I think it is fair to say that the replacement program has already made some significant strides. The program for the replacement of submarines has received funding of over three-quarters of a billion dollars. Replacing one Labrador search and rescue helicopter is worth almost \$800 million.

These programs are underway. The submarines will be in Halifax Harbour in the near future, and the replacement of the Labradors is, as I mentioned, well underway. I know that the honourable senator would love to see the Sea King replacement program moving along more quickly. I do not disagree with him, but these programs are proceeding apace, and significant gains have been made over the last short while.

REPLACEMENT OF SEA KING HELICOPTER FLEET—
REQUEST FOR COPY OF STATEMENT OF REQUIREMENTS

Hon. J. Michael Forrestall: Would the minister undertake to table here in the chamber the statement of requirement with regard to the program that is now completed?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I will inquire of the minister and follow the existing practice of tabling such a document.

• (1530)

INDUSTRY

NATIONAL HOCKEY LEAGUE—
POSSIBILITY OF GOVERNMENT AID TO TEAMS

Hon. David Tkachuk: Honourable senators, my question is addressed to the Leader of the Government in the Senate. This week, Kanata City Council announced that it would be reducing its property tax on the Corel Centre by 75 per cent. They would then give that property tax rebate to the Ottawa Senators. Is it the government's intention to provide financial aid from the federal treasury to the Senators hockey team? Will such aid be distributed equally to all Canadian hockey teams?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, Minister Manley, who is the minister responsible for such matters, has indicated that he has been considering options concerning federal assistance. Obviously, this latest measure was welcome news in the process. It represents a measure which, perhaps, is encouraging in the overall picture. However, Minister Manley has indicated that while this may be a positive start, a series of elements must be in place before a decision is made by the federal government. To this date, I am not aware that any decision has been made by the minister.

Senator Tkachuk: Honourable senators, what are the major objections to giving federal government aid to professional hockey teams?

Senator Boudreau: Far be it from me to paraphrase objections that have been raised in debate by various parties, honourable senators. They have done that reasonably well. However, I can speculate that there is a resistance because of the salary levels of the players, not to mention the salary levels of the owners of the teams.

I do not want to advance those arguments. I am speculating on what some objections may have been. The government, through Mr. Manley, has clearly said that this is a matter that he would consider, but that it had to involve a chain of events. The most recent event by Kanata City Council has been a positive development. As far as I am able to inform the honourable senator, the minister is not prepared to yet announce a decision.

Senator Tkachuk: Honourable senators, I am fairly consistent. I do not like subsidies of any kind. However, I thought the federal government would be falling all over itself to give money to the Ottawa Senators because giving money to people who make lots of money is not unusual for the federal Liberals.

For example, last year, the CBC received \$844 million. The year before it received \$903 million. I believe the president and the vice-president of the CBC take home salaries of between \$200,000 to \$300,000 per year. Book publishers received \$31,643,742 last year. The president and chairman of the board of Rogers Cable make well over \$1 million per year, but they are not Prairie boys who play in uniforms and who are watched by 2 million people every Saturday night.

There are all kinds of examples in the blue book which pertains to the Estimates. There is money for movie producers and television networks. There is money for movies no one goes to see, the producers and directors of which take home salaries of \$50,000 to \$200,000 per movie, let alone per year.

Is Mr. Manley thinking even for a moment that he will not help hockey teams and players from small Prairie towns and rural Ontario? This government should be ashamed of itself. Culturally, hockey is much more important to Canada than all of the examples to which I have referred. You should be writing those cheques tomorrow.

Senator Boudreau: Honourable senators, I am glad to see that the honourable senator has such strong feelings on the issue. I certainly will convey his strong feelings to those concerned. For a moment I was afraid that the honourable senator was about to adopt the NDP philosophy which favours giving economic development money to people who lose money rather than to people who make money.

Senator Tkachuk: That is the Liberal philosophy!

Senator Boudreau: I will be happy to pass along the honourable senator's remarks, for which I thank him.

DELAYED ANSWER TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a response to questions raised in the Senate on November 16, 1999 by the Honourable Senators Gustafson, Sparrow and Spivak.

AGRICULTURE AND AGRI-FOOD

FARM CRISIS IN MANITOBA AND SASKATCHEWAN—
POSSIBILITY OF PROGRAM FOR FARM CREDIT—
AGRICULTURAL INCOME DISASTER ASSISTANCE—
EFFICACY OF PROGRAM—PAYOUTS TO APPLICANTS

(Response to questions raised by Hon. Leonard J. Gustafson, Hon. Herbert O. Sparrow and Hon. Mira Spivak on November 16, 1999)

Farm Crisis in Manitoba and Saskatchewan— Possibility of Program for Farm Credit

Farm Credit Corporation (FCC) realizes the seriousness of the situation that many prairie farmers face. In response, the Corporation has implemented a program to proactively contact customers in Saskatchewan and Manitoba who are anticipating difficulty to help them work out solutions.

So far FCC customers are managing to make payments despite the commodity downturn. As of the end of October, 95 per cent of accounts were up to date nationally and 94 per cent in Saskatchewan.

Arrears levels also have not yet shown a large increase although they are rising. In Saskatchewan at the end of October, there were 1,267 customers in arrears compared to 953 at the same time last year. In Manitoba, there were 243 customers in arrears compared to 231 the same time last year. However, there is a lag time between the marketplace effects and arrears levels so FCC will continue to monitor the situation closely in the coming year.

At this point, working with customers who anticipate difficulty on an individual basis is the most effective way for FCC to help these customers develop solutions to see them through. As a federal Crown, FCC will be ready to play a public policy role if asked.

As mentioned, the majority of FCC customers have been able to make their payments to date.

Agricultural Income Disaster Assistance (AIDA)

The AIDA program was designed to assist producers who suffered major income losses due to uncontrollable circumstances in 1998 and 1999. The federal and provincial governments are jointly providing up to \$1.5 billion dollars in funding assistance over two years to the program. And just recently, the federal government added a further \$170 million contribution, bringing total Government of Canada assistance to over \$1 billion.

The Government of Canada has recently made changes to both the AIDA and NISA programs that allow more producers to qualify for assistance. Here are some key changes:

As of September, producers have been able to apply for a 1999 AIDA Interim payment that would provide immediate assistance at 60 per cent of their total 1999 eligible payments.

On November 4, 1999, the Minister of Agriculture and Agri-Food announced the federal government would cover 70 per cent of producers' negative margins for 1998 and 1999.

For the 1999 Calendar Year, producers will be able to make a one-time choice of the reference period on which payments are based.

Since September, farming corporations that have completed their fiscal year for income tax purposes can apply immediately for 1999 AIDA benefits.

Changes to NISA have also helped put money in producers' pockets:

The NISA Minimum Income Trigger has been increased from \$10,000 to \$20,000 for an individual, and from \$20,000 to \$35,000 for farm families.

Participants in NISA can now make a withdrawal and deposit in the same year.

The repayment period for interim withdrawals has been extended from 90 days to one full year for producers who withdrew more than their eligible amount under the withdrawal triggers.

The overpayment charge for interim withdrawals has been reduced.

Producers who have opted out of the NISA program will now be allowed to rejoin the program after only two years instead of the current three years.

With these changes, the AIDA Administration has provided almost \$380 million in payments to some 19,000 producers. In addition, just over 27,500 producers have withdrawn \$304 million from their NISA accounts.

These changes clearly demonstrate the Government of Canada's commitment to remain creative and flexible in designing programs that will assist those producers in greatest need, and will continue to make improvements to ensure as many Canadian producers as possible benefit from available assistance.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): With regard to my correction to Hansard, honourable senators, it anticipates that the bill will not be in two places at one time. Of course, it also anticipates that reports from both of those committees will come to the Senate. Honourable senators will

have to be vigilant to ensure that, if one of the committees reports before the other, it be noted as out of order, if we attempt to deal with one of the reports before both reports are on the Order Paper for deliberation in this chamber.

Senator Kinsella: Agreed.

Hon. Eymard G. Corbin: Honourable senators, may I ask the Deputy Leader of the Government in the Senate if this is a precedent? Has this ever been done before?

Senator Hays: I thank Senator Corbin for his question. I am afraid it is a precedent. I think I would have been advised by experts who serve us here if there was a precedent for this. I have not received such advice. Therefore, I conclude that this is a novel practice.

Senator Corbin: Honourable senators, my understanding is that one committee will examine certain aspects of the bill.

● (1540)

That committee is empowered to report, but that report will not be discussed until the bill is sent to the other committee, which will then report, and the two reports will be debated together. Can you tell me in what way or by whom the bill will be moved from one committee to the other, if not from this house?

Senator Kinsella: By the clerk.

Senator Hays: The honourable senator highlights the fact that the bill can only be in one place at a time. The bill is now out of the Senate. We have referred it, with an instruction to report back, to the Banking Committee. The language that I have used, which was discussed here yesterday, would then see it go to the Foreign Affairs Committee. Therefore, the bill will not be in more than one place at a time. It has gone to the Banking Committee. When they have concluded their deliberations, it will go to the Foreign Affairs Committee. There will be a report by the Banking Committee, I hope, as soon as their deliberations are completed. That report will come in the normal course to this chamber. Perhaps the chairman will time its tabling with the tabling of the report of the Foreign Affairs Committee.

I think this procedure will work. Provided no attempt is made to discuss the first report to arrive before the other is here, then this should not be out of order in any way that I can determine. I hope that helps the honourable senator.

Senator Corbin: Honourable senators, we are talking about a precedent that can have consequences for the future operation of this chamber. Once you set a precedent, there is an inclination to invoke the precedent to repeat that kind of performance. Would it not be simpler for the first committee that examines this bill to report the bill back to the Senate, at which time the Senate could make a second order to refer the bill to the other committee? It seems to me that that would be the ideal way to deal with the situation. In that way, the bill will not be in limbo somewhere.

Senator Hays: Honourable senators, in responding to the honourable senator, I must report that the precedent has been set. We are not doing it today, we did it yesterday. What we are doing today is simply clarifying what was done.

If the Senate wishes to give leave to revisit this issue, the Senate can do so. However, I do not know that that leave would be forthcoming. If someone wishes to ask, that is fine; however, as a result of my understanding with the Deputy Leader of the Opposition, I am not asking for leave to do more than I have asked, which is, as a matter of order, to clarify the record of proceedings to reflect what was distributed to you all in the blues as opposed to the language that appears in the *Debates of the Senate* for November 24, which was distributed in the normal course.

Senator Corbin: Honourable senators, I will respect the decision of the Senate, but I simply want to raise a warning flag that we should not do this sort of thing on a whim. We should proceed along clear-cut procedural lines. It seems to me that the precedent that should apply in this instance would be for the first committee to study the bill, report it back, and then for the Senate to consider another motion, refer the bill to the second committee, have the committee report back, and then discuss both reports at the same time. I am not comfortable with the way we have decided to do it.

Senator Hays: I accept the criticism, honourable senators, if that is what it is. I can assure honourable senators that I will be more careful in future, in terms of trying out new ways of getting bills to committee.

Hon. Sharon Carstairs: Honourable senators, the Deputy Leader of the Government has tried to clarify the situation this afternoon, but Senator Corbin, by his intervention, has indicated that we have a problem now because that first committee will be required under our rules to submit its report as soon as it is ready. It cannot delay until the other committee has reported. My recommendation would be for the committee to report as soon as the report is ready but for us to stand that report while the other committee is studying the bill. In that way, we would be staying within the ambit of the rules. However, I must also add that I think this is an extremely dangerous precedent.

Senator Hays: Again, I accept that criticism, honourable senators.

Senator Carstairs: It is not criticism.

ORDERS OF THE DAY

CIVIL INTERNATIONAL SPACE STATION AGREEMENT IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Peter A. Stollery moved the second reading of Bill C-4, to implement the Agreement among the Government of Canada,

Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts.

He said: Honourable senators, let me begin by saying that it is with great pleasure that I speak on second reading of Bill C-4, legislation governing Canada's participation in the great science and technology project, namely, the international space station. I might add, in parentheses, that the bill was not controversial in the other place.

Allow me to begin my remarks by quoting the inspiring words pronounced by John H. Chapman, the father of the Canadian space program:

In the second century of Confederation the fabric of Canadian society will be held together by strands in space just as strongly as the railway and telegraph held together the scattered provinces in the last century.

Mr. Chapman went on to state:

The technological advances which are the outcome of space spill over into the more normal activities of our world.

Honourable senators, Bill C-4 is about space exploration for the benefit of all Canadians and humanity. Bill C-4 enables Canada to become a full partner in this great endeavour, the construction and operation of the international space station. It formalizes our participation.

Our investment in international space science and technology projects like the international space station positions Canadian scientists, engineers and entrepreneurs on the world market. It allows this nation to continue contributing to scientific discovery and to our understanding of the universe.

The international space station is a symbol of international cooperation, and the joint effort of the world's leading industrialized nations, including Canada as a key partner. In its final form, the station will cover an area as large as a football field and will accommodate a permanent international crew of seven astronauts, including Canadian astronauts, dedicated to advancements in areas of biotechnology, engineering, earth observation, and telecommunications.

Honourable senators, the bill before us relates to the implementation of Canada's obligations under the agreement concerning cooperation on the international space station and extends the application of the Canadian Criminal Code to Canadians on-board.

All parties to the agreement have undertaken to establish a framework for mutual international cooperation in relation to the detailed design, development, operation, and use of a permanently inhabited space station for peaceful purposes. The bill before us brings Canadian law in line with the international obligations negotiated in the agreement, and thereby reaffirms Canada's strong commitment to participate in this historic project.

• (1550)

The history of Canada's participation in the International Space Station project dates back to the year when Canada's first astronaut, Marc Garneau, travelled in space. In 1984, President Reagan invited friends and allies to join the United States in the building, operation and use of a space station in earth orbit for peaceful purposes. In March 1985, Canada accepted the invitation and notified NASA that Canada's contribution was to be based on the concept of the Mobile Servicing System. This system is nothing less than the next generation Canadarm, which would help assemble and maintain the space station once in orbit.

In 1988, Canada, the U.S., Europe and Japan formalized a partnership when they signed an agreement on the space station. This set out the broad principles and legal basis for cooperation in the space station program. Following a redesign of the space station in 1993, the partners formally invited Russia to join the partnership, in what became a truly International Space Station.

On April 8, 1997, during a press conference with President Clinton, Prime Minister Chrétien reaffirmed Canada's participation in the International Space Station program with an announcement that Canada would provide the Special Purpose Dexterous Manipulator. This appendage-like robotic technology, often referred to as the robotic hand, is designed to operate with the new robotic arm for delicate assembly and repair operations.

Following three years of negotiation, all parties signed a revised intergovernmental agreement on the space station on January 29, 1998, officially bringing Russia into the partnership. The agreement stipulates a two-year ratification period to January 29, 2000. Bill C-4 allows Canada to ratify this international agreement and legally endorses our commitment to the partnership.

Over and over again, in international discussions about this country's many accomplishments in space, Canada's role with respect to the Canadarm is mentioned. Our space robotics and automation technologies clearly have become symbols of Canada's success in the field of high tech and a source of pride for Canadians. Moreover, for the global high-tech community, our robotic technologies have become a showcase of what this nation is capable of doing here on earth and out in space. Most important, the success of the Canadarm has given Canada the credibility to venture further, with the full confidence of the world's space-faring nations, to undertake the next step in advanced space robotic systems.

From the outset, Canada's has capitalized on its expertise in space robotics. Canada maintains its position as world leader in this field. Canada's scientific communities have privileged access to the unique microgravity environment, access that results in new technology spinoffs. Today, Canada is already reaping the benefits of its participation in the project in terms of contracts to Canada's space industry and the prestige of being part of one of the greatest engineering feats in history. Overall, Canada expects returns of three or four times the original investment, along with many high-qualified jobs.

Canada's participation in the assembly of the International Space Station began with flying colours. Last December, we watched how the Canadarm and the Canadian artificial vision system were brought together to assemble the first two modules of the space station — Unity and Zarya.

In May of this year, we watched with great pride as Julie Payette became the first Canadian to board the first two modules of the station.

Next year, Marc Garneau will participate in his third space mission, as a crew member of STS-97. That mission will be devoted mainly to installing the International Space Station's solar panels and will require two spacewalks, coordinated by Mr. Garneau. Among his other duties, Garneau will operate the Canadarm for assembly purposes.

Following Marc Garneau will be Chris Hadfield, on his second mission to space. Canadians will be watching Chris Hadfield make history by becoming the first Canadian to perform a spacewalk to install Canada's new robotic arm on the International Space Station. Once the arm is installed, Canadians and the rest of the world will watch with pride as the Canadarm and the new arm for the space station work in concert to build the largest space structure and microgravity laboratory ever.

Once the entire Mobile Servicing System is operational, with the installation of the helping robotic hand functioning on the end of the arm, astronauts will be able to perform complex on-orbit tasks quickly, safely and cost effectively from the relative comfort of the space station modules. Simply put, without the use of Canadian robotic technologies, the station could not be built or maintained efficiently and effectively.

In March of this year, the Government of Canada provided the Canadian Space Agency with stable, ongoing funding for the Canadian Space Program. The funds demonstrate the government's strong commitment to promoting advanced sciences and technologies that are driving the global, knowledge-based economy and helping Canadians remain leaders in the field.

Our investments in space support our international commitments to the environment, as in the case of the Montreal Protocol and agreements signed in Kyoto. Canada is the creator of RADARSAT, the remarkable satellite that has given this nation world leadership in managing the Earth from space.

Today, RADARSAT is being used to manage floods, as it did in the Manitoba Red River floods, support disaster management operations, as it did in Kobe, Japan, and provide a greater understanding of the effects of war on local populations and environments, as it did in Vietnam.

Scientific discovery is advanced by our investments in space. Through experiments being performed by the world's space science community in which Canadian scientists are recognized for their decisive role, we are learning more about our universe, the effects of the sun on the earth, and how to exploit the unique microgravity environment to obtain invaluable insight into the cardiovascular system, bones, brain and effects of radiation on human organisms. Canadian space science experiments, for example, are addressing human disorders, including cancer and bone diseases such as osteoporosis, an ailment that affects over 1 million Canadians.

Our investment advances innovation and spinoffs in our everyday life. Today we seem unaware of the fact that, each time we turn on the television, listen to the weather forecast, visit the doctor, turn on our portable computers, pick up our car phone or lace up our shock-absorbing running shoes, we access products and services that space has helped to advance. The list of products and services is long. The positive contribution to our quality of life is real.

Our investments also promote a space industry that employs thousands of Canadians and registers revenues of over \$1.4 billion, of which 45 per cent are in the form of exports, the largest among the space-faring nations.

As a result of Canada's industrial strategy, whereby space robotics and automation has become a strategic niche, our industry has responded with innovative technologies that are making their mark the world over. For example, a Newfoundland company has developed a sensitive skin originally developed for space robotic manipulators and is applying this technology on prosthetics and the bumpers of cars to control the deployment of air bags — all this thanks to Canadian innovation in the Canadian Space Program.

Other leading industrialized nations are turning to Canadian expertise to help make their contribution to this space station project a reality. EMS Technologies of Ottawa recently won a \$9.5-million contract from Mitsubishi of Japan to supply electronics to Japan's contribution to the International Space Station. Additional orders could bring the total contract up to \$24 million.

Above all, our commitment to a vibrant space sector is a commitment to this nation's youth — our future scientists, engineers and astronauts.

In closing, the International Space Station is about advancing telecommunications; it is about advancing science; it is about innovation; it is about earth observation and space exploration. The ratification of Bill C-4 is an important step to what has been a long and beneficial international engagement for this country.

Bill C-4, the legislation governing Canada's participation in this remarkable venture, represents this confident next step in this giant leap for Canada and humanity.

On motion of Senator DeWare, for Senator Kelly, debate adjourned.

• (1600)

SPEECH FROM THE THRONE

ADDRESS IN REPLY—MOTION FOR TERMINATION OF DEBATE
ON EIGHTH SITTING DAY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Mercier:

That the proceedings on the Order of the Day for resuming the debate on the motion for an Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated;

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator DeWare, that the motion be not now adopted but that it be amended by striking out the word "eighth" and substituting the word "fourteenth".

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to remind you that I moved, as have many deputy government leaders from both parties before me, that the speeches in reply to the Speech from the Throne be concluded on the eighth sitting day that the order is debated. In other words, debate would be completed in eight sitting days.

Senator Kinsella made a number of arguments with respect to this motion, concluding with his amendment to alter the motion by removing the word "eighth" and adding the word "fourteenth", and it is this amendment that I am addressing.

Senator Kinsella's main argument is that this motion would unduly limit the number of speakers allowed to speak in the Senate on this motion. In fact, he went so far as to say that it might be dangerous. Therefore, I have the obligation to answer him as to why this motion was put.

Honourable senators, we have now had five sitting days of debate with an average of three senators speaking each day, I believe, for a total of 15, nine opposition senators and six from the government side.

Although we are not governed by the following rule, it is nevertheless interesting that in the House of Commons, rule 50(1) of their Standing Orders states:

The proceedings on the Order of the Day for resuming debate on the motion for an Address in Reply to the Speech from the Throne and on any amendments proposed thereto shall not exceed six sitting days.

Honourable senators, that is two days less than the motion that I have put proposes. There are, of course, similar orders in the other place, such as debate on the budget.

Why, then, is there this rule in the other place, and why would this motion be a tradition in this place?

I believe the reason is that the Speech from the Throne traditionally has been an opportunity for senators to speak on virtually any subject, not simply, as Senator Kinsella suggested in his speech, the vision of the government, although that is encouraged. In other words, a senator can rise in his or her place and speak on a subject of which other senators have no notice and to which other senators may wish to respond.

There is a process in this chamber for making speeches, which is to give notice of inquiry or notice of motion. After one day's notice, which is required in both cases, the speech is then delivered. Other senators are thereby given one day to prepare and to then remark on the same subject, if they wish, having listened to the initial speech.

Honourable senators, this is the proper way for subjects to be raised in this chamber. There is no impediment to doing so. One day's notice is required for very good reason. Hence, if the Speech from the Throne is left on the Order Paper for too long a period of time, the potential exists for that order being used for purposes other than might be expected.

Senator Kinsella concludes that in terms of the numbers the time allowed for debate of the Speech from the Throne is inadequate. I am not trying to have fun at his expense, but on page 87 of the *Debates of the Senate*, he concludes:

If it were two hours a day...that would be a total of 16 hours. In that scenario, only 32 senators would have an opportunity to speak on what I assume to be, from the government's perspective, its whole vision for this session. Less than one-third of the honourable senators in this house would have an opportunity to participate in the debate....

Honourable senators, I shall correct the math of the Honourable Senator Kinsella. If each senator can speak for 15 minutes and we have two hours a day devoted to this discussion, then eight senators a day could speak to Her Excellency's address. Therefore, if we were to allow for 16 hours of debate, eight days times two hours a day would allow 64 senators to speak, twice the number suggested by Senator Kinsella and approximately two-thirds of this chamber. This is hardly an unreasonable number.

Using Senator Kinsella's assumption of two hours a day for 14 days, this proposal would allow 112 senators to speak. That, I think, is more time than we need for the debate.

Senator Carstairs: That is more senators than we have!

Senator Hays: Honourable senators should note that at no time since 1967 in any session of a Parliament have more than 33 speakers spoken on reply to the Speech from the Throne. I am going back 32 years. In fact, the average number of speakers since 1967 who have addressed the Throne Speech is 20.73, to be exact.

Therefore, by any reasonable measure, the motion made ensures that there will be an occasion for all senators to participate who wish to do so in the normal course.

[Translation]

Furthermore, and this will interest my colleagues on the other side, the precedents seem to favour 8 days and not 14. Beauchesne's citation 271.1 has this to say:

After the Address in Reply to the Speech from the Throne has been moved and seconded, a maximum of eight sitting days are allowed for completion of the resumed debate on the motion.

Honourable senators, this is exactly the same as the rules in the other place. In our chamber, honourable senators, this was the practice adopted by many, including my predecessor, Senator Graham.

On October 2, 1986, the Progressive Conservatives, through Senator Doody, had an identical motion approved in the Senate. Again, on December 13, 1988, honourable senators repeatedly approved this motion, which was unanimously approved when it was introduced by Senator Frith in 1983.

[English]

In summary, honourable senators, I do not think the amendment is a good one, not so much because it is based on faulty math, but because it goes against precedent and needlessly extends debate on a subject that we are giving ample time to debate. I believe the numbers speak for themselves.

On motion of Senator DeWare, debate adjourned.

• (1610)

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved the second reading of Bill S-5, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).—(*Honourable Senator Grafstein*)

He said: Honourable senators, in the beginning was "the word," then came a poem, and since that earliest time a fierce debate has ensued between myth and truth that has not yet, through the many millennia, been stilled or settled.

Metaphor, the intimate connection between language and thought, emerged as a touchstone of history.

Logic, from Locke to Bosanquet, essayed language. Yet they could not grasp the poetic mind. So poetry emerged unscathed through the ages, shrouded between history and science, between myth and truth, as the purest harbinger of literature and culture.

The great critic Owen Barfield once wrote: "The most conspicuous point of contact between meaning and poetry is metaphor." Metaphor, as Shelley argued, marked out the clouded realm between words and thought. Language was poetry before prose. The age-old question became simply: Does poetry make war on reason or is poetry the precursor to reason? And so the debate about the meaning of poetry and history rages on. Is history truth, or is truth better displayed in the sparseness or austerity of poetry?

Let us move smartly to the common era, to our cyberworld, from books to digital clicks. The rapid rise of the electronic media, now soon to be overtaken by the Internet, has instigated some pseudo-critics to argue, to stoke a false clamour, that the age of literature and thus the age of poetry and prose is coming to an end. To paraphrase Mark Twain, the announcement of literature's death is somewhat premature.

One can more forcefully argue that, in the digital age, the importance of literature, the essence of poetry, now becomes even more significant to a civil society than earlier times. Poetry encapsulates popular history and popular memory in a way that history alone cannot.

How do we remember history? In the Davidic biblical period, it was the Psalms. In the Peloponnesian Wars, it was the Iliad. In the days of the first Common Era, it was the Sermon on the Mount. In the First English Commonwealth, it was the daunting poetry of Milton. Is not World War I, displayed in these pictures around us, best remembered by the poem *In Flanders Field*? Is not the shining moment in Camelot, the Kennedy era, best reflected by the poem of Robert Frost, recited on the cold winter day of President Kennedy's inauguration, "...and miles to go before I sleep..."?

Before European settlement of Canada, the poetic myths of aboriginal peoples permeated this land. Even Jacques Cartier was a poet. From the time he touched the land to be called Canada, our land became rich in poets and poetry.

There are over 1,500 published poets in Canada. We had the pleasure of the company of the late Jean LeMoyné in the Senate, who came here as a poet of renown. I am told that Canada has the largest number per capita of published poets in the world. All countries, large and small, come more alive through the words of their poets. We have a rich, if unheralded, inventory of poetry —

from Atwood, to Callahan, to Klein, and Cohen, and from Johnson to Pratt to Birney to Scott. Louis Riel was a published poet. In French, from LaPointe, Miron, Legault, Henault or Roy, there continues to this day a rich and deep vein of poetry and creative imagination.

As we approach the next millennium, honourable senators, is it not appropriate that we recognize the role of the poet in Canada? From the 16th century, the Poet Laureate was recognized as a vital and cherished part of English life. This was heralded in Samuel Johnson's *The Lives of English Poets*. In the late 1930s, the Library of Congress in Washington appropriated this idea called a Poet Consultant to the Library of Congress.

What better way for Canada to celebrate our diversity for the next millennium than by establishing a Parliamentary Poet Laureate? By a simple means, we can bring Parliament and the Library of Parliament to a more visible, central place in our literary landscape that these institutions so richly deserve. By this simple act of Parliament, we can celebrate the artistry of poetry and unite poets, Parliament, and the people together in a greater union of creative harmony.

The process in this bill is simple and cost effective:

The Speaker of the Senate and the Speaker of the House of Commons, acting together, shall select the Parliamentary Poet Laureate from a list of three names submitted in confidence by a committee chaired by the Parliamentary Librarian and also composed of the National Librarian, the National Archivist of Canada, the Commissioner of Official Languages for Canada, and the Chair of the Canada Council.

The duties of the Poet Laureate are, and are meant to be, minimalist. The Parliamentary Poet Laureate, during the two-year term, shall:

- (a) write poetry, especially for use in Parliament on occasions of state;
- (b) sponsor poetry readings;
- (c) give advice to the Parliamentary Librarian regarding the collection of the Library and acquisitions to enrich its cultural holdings; and
- (e) perform such other related duties as are requested by either Speaker or the Parliamentary Librarian.

Honourable senators, the duties encapsulated in this bill are meant not to be complex or onerous. Nothing should interfere with the work of the poet to write poetry.

Honourable senators, I commend this modest bill to you for your thoughtful consideration.

On motion of Senator Kinsella, debate adjourned.

EUROPEAN MONETARY UNION

REPORT OF FOREIGN AFFAIRS COMMITTEE ON STUDY— ORDER STANDS

On the Order:

Consideration of the fourth report of the Standing Senate Committee on Foreign Affairs entitled: "Europe Revisited: Consequences of Increased European Integration For Canada", tabled in the Senate on November 17, 1999.—(*Honourable Senator Stewart*)

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise not to speak to this order but to request leave of the Senate to substitute my name for that of Senator Stewart, as Senator Stewart is now retired. I believe that the order should stand in the name of a sitting senator.

Hon. P. Derek Lewis (The Hon. the Acting Speaker): Is that agreed, honourable senators?

Hon. Senators: Agreed.

Order stands in the name of Senator Hays.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY DEVELOPMENTS RESPECTING EUTHANASIA AND ASSISTED SUICIDE

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Mercier:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon developments since the tabling in June 1995 of the final report of the Special Senate Committee on Euthanasia and Assisted Suicide, entitled: *Of Life and Death*. In particular, the Committee shall be authorized to examine:

1. The progress on the implementation of the unanimous recommendations made in the report;
2. Developments in Canada respecting the issues dealt with in the report;
3. Developments in foreign jurisdictions respecting the issues dealt with in the report; and

That the Committee submit its final report no later than June 6, 2000.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we on this side are ready to conclude debate at this stage on this matter.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1620)

PRESENT STATE AND FUTURE OF ABORIGINAL PEOPLES

INQUIRY—DEBATED CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gill calling the attention of the Senate to the situation of Aboriginal Peoples, to enable us to take stock and consider appropriate measures for the future.—(*Honourable Senator Watt*).

Hon. Sharon Carstairs: Honourable senators, I should like to leave this order standing in the name of Senator Watt, but I wish to speak to it today, if that is agreeable.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, each time I return to my province of Manitoba, I drive up Highway 59 and I pass through Brokenhead, which is an aboriginal community. I drive past a school called Sergeant Tommy Prince School. Sergeant Tommy Prince was the most decorated aboriginal serviceman in both World War I and World War II. He actually served in World War II. Yet, when Sergeant Prince returned home, for the next 15 years of his life, he could not vote in a federal or a provincial election. It has always been my view that the finest thing ever done by the Right Honourable John Diefenbaker in leading his government was to provide to the aboriginal people of this country the right to vote in federal elections.

When I go by that school, I am mindful of the conditions of aboriginal people. I am mindful of them because in my experience of growing up in Halifax I had very little contact with aboriginal people. I occasionally saw them when they came into the city in the spring to sell mayflowers, which was the provincial flower. They would sometimes knock on the door and we would always purchase them. I would also occasionally see them when driving to Truro and they would be selling baskets along the roads. That was my only contact in my province with aboriginal people.

Aboriginal people are not a significant part of the population of Nova Scotia in terms of numbers. They are certainly a significant part in terms of what they contribute to the province.

However, when I moved to Alberta in 1965, I found myself in a classroom of girls at St. Mary's Girls High School with some young women from what was then called the Sarcee Reserve, which was located on the edge of the city. It was the only school they were eligible to attend at the high school level. Those girls always sat isolated from every other member of the class. They rarely participated in classroom discussions and very quickly dropped out. Very few of them made it through grade 10, and I do not remember a single one of them making it to grade 11.

Honourable senators, I want to say that circumstances have changed dramatically since 1965, but the truth of the matter is that circumstances have not changed greatly for our aboriginal people in this country. Indeed, while teaching in Winnipeg in 1981, I remember a young man in grade 10 geography class standing up and saying, vituperatively, what he thought of aboriginal people. That young man left me absolutely stunned. I was standing in a classroom as the teacher listening to a boy of 15 talk about his fellow human beings, his fellow citizens of the province of Manitoba, spouting lies and misinformation that he could only have received from his parents, his colleagues or his fellow citizens.

When I got over my initial shock and began to address some of the comments he was making, I realized that we needed to do a unit in that particular course on the life of aboriginal people in this country, and I proceeded to do so.

I am afraid I never quite made it with this particular young man in terms of his belief. What fascinated me was that this young man had not been born in Canada. He was an immigrant. He came to Canada at the age of two or three. His parents were extremely well educated and sophisticated. His father was a professor of mathematics; his mother was a professor at the dental college. These were not uneducated people. Yet this boy had such a racist view of our aboriginal people that it was a deep shock.

I suppose, therefore, I should not have been shocked when my daughter Catherine had an experience in grade 6 about which her teacher called me. Cathi had a bad experience in grade 5 and we switched schools. Cathi was feeling her way, so to speak, among her new classmates and so had little to say — that is, until the day on which a classroom discussion took place with respect to aboriginal people. The comments made by her classmates were negative. Cathi, for the first time in this particular class, in a moment which made her mother extremely proud, announced to the class that they did not know what they were talking about. She used, as her experience, the fact that when I returned to teaching after she was born, the housekeeper I hired was a Cree from Northern Alberta.

Cathi's understanding of aboriginal people came from Theresa. Theresa taught her of the strengths of her aboriginal community.

Theresa took her to visit her aboriginal community. Theresa's family came to visit in our home, and Cathi believed that aboriginal people were the first people of this nation.

Honourable senators, shortly after I became a member of the legislature in Manitoba, I went to visit The Pas band school. Oscar Lathlin, who was then the chief but is now a cabinet minister in the Province of Manitoba, had transferred the children from the Kelsey School Division in The Pas, Manitoba, in order that the children would be educated in the reserve school. He felt that they were not getting the kind of cultural experience within their home school that they should be getting and that the school division could not meet their needs, and he wanted them at home.

Mr. Lathlin invited me to visit the classrooms, and so I went. I must tell you that it was quite remarkable. From children who, in 1965, were hanging their heads in a classroom, here were children in an aboriginal school being taught aboriginal customs, language, as well as the rest of the Manitoba curriculum. They were bubbling, filled with enthusiasm. When the Northern Manitoba science fair results came out, these aboriginal children won the majority of the awards. It was a remarkable event to watch.

Honourable senators, I had the same experience when I visited the Children of the Earth School in Winnipeg. Perhaps that is why I am so deeply committed to the principle of aboriginal self-government. I am committed to the principle because I believe that unless aboriginal people are given the opportunity to govern themselves, they will not be able to make the progress that I believe they should make and that we have a responsibility to allow them to make.

• (1630)

Honourable senators, it is no secret to any of you gathered in the chamber — and I know many of you are knowledgeable about aboriginal affairs — that there are fewer aboriginal people in post-secondary institutions than any other group of people in this country. It is true that we have made progress. There are now doctors and lawyers and dentists who are aboriginal. We look around us in this chamber and we are blessed with no less than five members of the aboriginal community, each one making a significant contribution to our institution. But that is not enough.

Other statistics tell us that aboriginal people have the highest mortality rate in Canada, at birth, tragically enough, but also as young people. They die through accidents; they die through fires; they die — and this is the greatest tragedy of all — through the highest suicide rate of young people in Canada.

I do not think that any of you are surprised to know that, among our aboriginal people, diabetes runs rampant. One doctor described it to me as the new smallpox or measles brought by us, as white people, to this continent and causing aboriginal people to die in record numbers. Now they are dying prematurely because of brittle diabetes. We know diabetes can be controlled

through diet. We also know that diabetes can be a factor in kidney disease and in heart and stroke disease. Not nearly enough resources are put into the health care system to ensure that diabetes no longer becomes the killer of our aboriginal people.

It will not surprise any of you in this chamber to know that aboriginal people still have the highest unemployment rate. It is not unusual for 90 per cent of the able-bodied men and women in an aboriginal community to be unemployed. It is not unusual in some Northern Manitoba communities for children to get into trouble with the law just because, quite frankly, the juvenile detention centre in Winnipeg is considered a better place to be than their own aboriginal community.

Honourable senators, when Senator Gill spoke about his goals and his aspirations, I could not help but think that we will benefit very much from his presence here in the Senate. We will benefit because he will constantly keep us mindful, as do Senators Watt and Chalifoux and Adams, of the issues that impact on aboriginal people.

Aboriginal people have a right to live as full citizens in this nation. That means giving to them the same opportunities for quality health care, for quality education, and for quality government that every other Canadian is given.

We have waited now a number of years for a substantive response to the report of the Royal Commission on Aboriginal Peoples. We have not received that substantive response. I urge each and every one of you in this chamber to demand from the government of the day that a substantive response come as quickly as possible.

Honourable senators, in the past few weeks I have followed with interest the visit of the members of the House of Commons to the province of British Columbia for their study and evaluation of the Nisga'a treaty. The blatant racism that I believe is unfortunately still very present in our society has bubbled over. To my deep regret, it is fed by a political party that I only consider as a bottom-feeder. If I can say anything to my colleagues across the way, it would be this: Please revitalize the Conservative Party as fast as you possibly can; the nation needs you.

Some Hon. Senators: Hear, hear!

Senator Carstairs: To my aboriginal colleagues, let me assure you of my support and my encouragement as you continue the struggle to achieve real Canadian citizenship for your people.

Senator Kinsella: Bravo!

Some Hon. Senators: Hear, hear!

Hon. Jerahmiel S. Grafstein: Honourable senators, Senator Carstairs' speech is compelling. I did not plan to intervene

because I have not followed the issues as I carefully as I should, but I was impressed earlier this year by Senator Tkachuk's speech in which he pointed out that we have not looked at the issue of self-governance in a very intuitive or thoughtful way. We may be building greater problems for our future. I am sensitive to the issue on which he rose.

Something else bothers me in Senator Carstairs' speech. The Royal Commission report made a compelling case about the deaths of children, about obscene problems with education, about almost impossible problems with mental and emotional issues. Why is it that the government has not yet forcefully responded to those particular issues? Does the reason have to do with money, or is it more than that?

Senator Carstairs: Senator Grafstein, I do not think it is just money. In my opinion, it is lack of political will. That lack of political will exists because not enough non-aboriginal Canadians in other walks of life have been willing to stand tall in defence of our aboriginal people.

Senator Grafstein: Honourable Senator Chalifoux is here. Both she and I have been interested in the question of the homeless in Toronto. She has been working as assiduously as I have to convince the government to move forward on the question of homelessness. We are delighted that a minister has been named to coordinate this effort. She has done a fabulous job across this country. In addition, we hope, because of the inspiration in the Throne Speech, to convince the cabinet to respond soon and forcefully. That is our expectation.

Having said that, in examining the issue of homelessness in Toronto, I came across a very curious problem. Under the Constitution of Canada — section 91 or 92, I am not sure which — the government is responsible for Indians and Indian lands. I was surprised to discover that, notwithstanding the Constitution, the ministries were not taking constitutional responsibility for Indians who live off the reservation.

• (1640)

Hence, there is a severe problem confronting us in Toronto, where a large plurality of the homeless are aboriginals off the reservation, off Indian lands. Yet, there has been no government response to that lacuna of constitutional responsibility. Who is responsible, then?

Honourable senators, the answer came as a surprise to me several months ago, and I commented on this with Senator Chalifoux. Apparently, the coordination for this responsibility lurked in another ministry, with another minister, and he had no staff to deal with this particular issue or funding.

I ask the senator, following her very wise speech, whether she has explored this lacuna of responsibility and whether we in this place can do anything about this constitutional irresponsibility.

Senator Carstairs: Honourable senators, I wish I could tell the honourable senator that this constitutional problem arose only with respect to homelessness, but I have been fighting a particular and similar issue in my own province with respect to health care for aboriginal children. When a child is removed from an aboriginal community and brought to the children's wing of the health sciences centre, the care of that child is paid for by the federal government because this child lives in an aboriginal community and therefore falls under federal responsibility. However, through some bit of logic which I do not quite understand, the Province of Manitoba is responsible for home care services. Hence, as a result of a jurisdictional dispute between the Minister of Health at the provincial level and the Minister of Health at the federal level, these aboriginal children are frequently left living in the hospital because no services are provided to them when they return to their home community. We, as Canadian taxpayers, are thus paying more for their hospital care. More important, those children are separated from their families and from their community and not given the opportunity to maximize their recovery by being with those who love them and care for them the most.

I wish I had a solution to the honourable senator's dilemma. All I can say to him is that we must have more debates like the one initiated by Senator Gill and hope that the other place is listening.

Hon. Sheila Finestone: Honourable senators, this exchange and, in particular, the interesting presentation by Senator Carstairs brought to mind Bill C-31, which I had the displeasure of handling in the House of Commons way back in the early 1980s. At that time, we were addressing the question of women's rights to their birthright and to their tribal numbers. In the end, we were removing the aberration whereby an aboriginal man who married a non-aboriginal woman was able to transfer to his children his birthright and his claims, whereas if the sister of this same man married a non-aboriginal man, she lost all rights in her society, all rights to land and all rights to living on the reserve. Nothing could be passed down, in terms of heritage, to the second and third generation.

Supposedly, that bill would enable women to return to their aboriginal lands, their territory, and to have all the rights and privileges that were accorded to their brothers, uncles and fathers. Unfortunately, the bill did not provide enough money to ensure that homes or schools would be built to enable the children and families in these situations to be fully integrated into their societies.

I recall Mary Two Axe Early, a fine advocate for the rights of women — and many other women, including, in fact, Senator Gill's sister — being active and involved in this particular issue. I thought the bill was a positive step forward. It is unfortunate that to this day we have not built the facilities needed to accommodate the families in their homes or to provide the schools to receive these children, a situation that has resulted in social dysfunction instead of the planned improvement in the lives of these women and their families.

In terms of the mechanics of this chamber, could the honourable senator suggest a way in which we and our aboriginal colleagues could put pressure on the other place to meet the commitments, both constitutional or non-constitutional, that are fundamental as values in this Canadian society so that we can be together as one people?

The Hon. the Speaker *pro tempore*: Honourable senators, the time allocated for this debate has expired. Is it your pleasure to extend the time to allow Senator Carstairs to answer?

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, Senator Finestone has asked specifically what we in this chamber can do. I think we have two vehicles. First, we have the Standing Senate Committee on Aboriginal Peoples. That committee should be and has been examining issues of this type. Sometimes, however, it is necessary to prod our committees a bit. I think what would be most welcome by the committee — it certainly has been welcomed in the past — would be a motion introduced in this chamber indicating that we wish the Aboriginal Peoples Committee to undertake a study.

Senator Finestone: So moved!

On motion of Senator Carstairs, for Senator Watt, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lorna Milne, pursuant to notice of November 24, 1999, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lorna Milne, pursuant to notice of November 24, 1999, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

• (1650)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET
DURING SITTINGS OF THE SENATE

Hon. Marjory LeBreton, for Senator Kirby, pursuant to notice of November 24, 1999, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit while the Senate is sitting on Monday, November 29, Tuesday, November 30 and Wednesday, December 1, 1999, and that rule 95(4) be suspended in relation thereto.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, the motion that is before us is unusual in that no time is specified. I am mindful that Tuesday is approaching and that there will not be an opportunity to do this

before then, but at the very least I should like to know at what time the committee wishes to sit.

I ask that question because the normal practice is to ask for leave for a committee to sit at a specified time even though the Senate may still be sitting at that time. This motion does not have any such reference.

Senator LeBreton: On Monday, it is not an issue. We will be sitting at 1:00 on Monday. On Tuesday, we will sit from 3:30 until 5:30 or 6:00 p.m. On Wednesday, December 1, we will sit from 3:30 until 6:30 p.m.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 30, 1999, at 2:00 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)
Thursday, November 25, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02	99/11/24	Banking, Trade and Commerce; Foreign Affairs					
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-4	An Act to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts	99/11/23							
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02		(subject-matter to) Social Affairs, Science and Technology					
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13							
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin)	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	99/11/02							
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02							
S-8	An Act to amend the Immigration Act (Sen. Ghitter)	99/11/02							
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03							
S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault)	99/11/04							
S-12	An Act to amend the Divorce Act (child of marriage) (Sen. Cools)	99/11/18							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
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Thursday, November 25, 1999

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CANADA

Debates of the Senate

2nd SESSION

• 36th PARLIAMENT

• VOLUME 138

• NUMBER 13

OFFICIAL REPORT
(HANSARD)

Tuesday, November 30, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Tuesday, November 30, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

HUMAN RIGHTS

WINDS OF CHANGE

Hon. Calvin Woodrow Ruck: Honourable senators, during the early years of World War II, a rather interesting incident occurred in my hometown of Sydney, Cape Breton Island, Nova Scotia. Two young, able-bodied black men, high school graduates, decided they wanted to join the Royal Canadian Mounted Police. They were in for a rude awakening.

At the outbreak of the war, it would appear, a considerable number of RCMP officers decided to change their RCMP uniform for military uniforms. They joined branches of the army, navy and air force. Consequently, that left a rather large vacancy in the ranks of the Royal Canadian Mounted Police. The RCMP officer in charge at the Sydney detachment advertised in the local papers for young, able-bodied men to enlist in the Royal Canadian Mounted Police. Those two young black men were among the people who wanted to enlist.

The officer in charge in Sydney did not know what to do with these two young black men. At that point in time, no blacks had ever joined the RCMP — at least not in Sydney, Cape Breton. The officer in charge contacted Division H Headquarters in Halifax for instructions on how to handle the situation involving those two young black men. The members of the Halifax detachment were not too sure what to do either; therefore, they contacted headquarters in our beautiful capital city, Ottawa.

The officer in charge in Ottawa made contact with the Sydney detachment and told them to allow these two young black men to take their examination to determine if they were qualified. I am not sure whether they were qualified or not. I do know one thing: Neither of those two men ever joined the RCMP. At that time it appeared to be rather a closed shop. As was suggested to them, the two young men to whom I refer eventually joined the Armed Forces.

Subsequently, word spread that the RCMP were enlisting members of the black community. Others also decided that they wanted to join; however, they, too, did not have any luck in joining. The Ottawa officer in charge wrote to the Halifax officer in charge and told them to allow applicants to take the

examination and perhaps they would not pass. It appears that they did not pass, because neither of those two men ever wore the scarlet red of the RCMP. That is an indication of what was happening back then.

The winds of change are blowing throughout Nova Scotia and, I believe, throughout many parts of Canada. A considerable number of black men are now members of the RCMP and it is my understanding that they are doing a good job. They are carrying out the duties assigned to them — all in the name of justice and equality for all.

We see these changes taking place and it provides a big lift to the members of our communities. Our young men can now aspire to many positions for which, years ago, we were not considered qualified. However, that has changed. Many of our young men and women are attending university, and from there they proceed to obtain their law degrees and open law practices.

• (1410)

The provincial ombudsman in Nova Scotia is a young black man who happens to be my son, Douglas Ruck. He was the first black person in Nova Scotia, to the best of my knowledge, to receive such an honour. He spent some time speaking to people here in Ottawa about setting up a national organization of that type. He has travelled around quite a bit.

The winds of change are blowing throughout Nova Scotia in respect of both eligibility and consideration of people. We can do the job provided that we are given the opportunity and provided that we are treated as equals. That is happening. There have been major improvements. Many of our young people, male and female, are going on to university and ending up with good jobs. That is basically where we are. We keep telling our young people to stay in school, to get an education and to make a contribution to the development of our province and our country.

Hon. Senators: Hear, hear!

[Translation]

MONTFORT HOSPITAL OF OTTAWA

Hon. Jean-Robert Gauthier: Honourable senators, November 29, 1999 is a date that will go down in Canadian history. In a unanimous judgment, three justices of the Ontario Divisional Court were in favour of maintaining Montfort Hospital. According to their decision, the Government of Ontario's Health Services Restructuring Commission acted illegally in ordering the closure of this hospital, the only French-language teaching hospital in Ontario.

This decision will be met with rejoicing by francophones in Ontario and all over Canada. It could not be any clearer in its confirmation that the protection of the Canadian Constitution extends not just to language rights but to the accessibility of certain services in both of this country's official languages as well.

[English]

Not only does this court decision set an important precedent for Canada, it also sends a clear message to Mike Harris' Conservative government, and to other governments as well: Your province's linguistic minorities must be respected and protected. Ontario's French Canadians, while rejoicing at the decision, are still concerned, because the Ontario government has made the decision to pass the buck back to the Health Services Restructuring Commission, with the indication that it is up to the commission to settle the matter.

The commission was quick to respond yesterday that its sole mandate was the restructuring of Ontario's health services. We are in somewhat of a bind here. The question that arises is to see who will have the courage and integrity to move on this. The courts have handed down their decision; now it is up to the government to act.

In closing, I would like to thank, from the bottom of my heart, all those who have invested time and money to ensure that the francophones of Ontario might finally obtain justice.

Senator Prud'homme: Hear hear!

Hon. Marie-P. Poulin: Honourable senators, as Senator Gauthier so aptly put it, November 1999 will go down in Canadian history. Yesterday, the Ontario Divisional Court sided with Montfort Hospital. The court ruled that the decision of Ontario's Health Services Restructuring Commission to reduce services at Montfort Hospital violated the very principle of minority protection and respect, a principle entrenched in the Canadian Constitution. The court therefore struck down the commission's directives.

In this morning's edition, *Le Droit* writes that Gisèle Lalonde, President of SOS Montfort, called the decision the greatest victory ever won by francophones in Ontario, or even in Canada.

Honourable senators, the President of SOS Montfort, Gisèle Lalonde, the Chair of the hospital's board of directors, Michelle de Courville-Nicol, the Association canadienne-française de l'Ontario, the Honourable Jean-Robert Gauthier, and all those who fought to save the only French-language hospital in Ontario deserve our sincere congratulations.

ROUTINE PROCEEDINGS

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

FIRST REPORT OF COMMITTEE TABLED

Hon. Michael Kirby, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, tabled the first report of the committee pursuant to rule 104.

(For text of report see today's Journals of the Senate.)

CRIMINAL RECORDS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lorna Milne, Chairman of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, November 30, 1999

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-7, to amend the Criminal records Act and to amend another Act in consequence, has, in obedience to the Order of Reference of Wednesday, November 17, 1999, examined the said Bill and now reports the same with the following amendments:

1. Page 2 to 4, clause 6:

(a) replace line 42 on page 2 with the following:

"6.3 (1) The definitions in this subsection apply in this section.

"children" means persons who are less than 18 years of age.

"vulnerable persons" means persons who, because of their age, a disability or other circumstances, whether temporary or permanent,

(a) are in a position of dependence on others; or

(b) are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

(2) The Commissioner shall make, in";

(b) replace, in the French version, line 43 on page 2 with the following:

"royale du Canada une indication permettant";

(c) replace lines 2 and 3 on page 3 with the following:

"an individual's conviction for a sexual offence listed in the schedule in respect of which a pardon";

(d) add after line 5 on page 4 the following:

"(9) The Governor in Council may, by order, amend the schedule by adding or deleting a reference to a sexual offence."; and

(e) make consequential changes to the numbering of provisions and any cross-references to them.

2. *Page 5, clause 8:*

(a) delete lines 5 and 6 on page 5;

(b) delete lines 11 to 13 on page 5;

(c) make consequential changes to the numbering of provisions and any cross-references to them.

3. *Page 5: add after line 27 on page 5 the following:*

"8.1 The Act is amended by adding, after section 10, the schedule set out in the schedule to this Act."

4. *Page 6: add after line 3 the following:*

"SCHEDULE
(Section 8.1)

SCHEDULE
(Subsections 6.3(1) and (9))

1. Offences under the following provisions of the Criminal Code:

(a) subsection 7(4.1) (sexual offence against a child by an act or omission outside Canada);

(b) section 151 (sexual interference with a person under 14);

(c) section 152 (invitation to a person under 14 to sexual touching);

(d) section 153 (sexual exploitation of a person 14 or more but under 18);

(e) section 153.1 (sexual exploitation of a person with a disability);

(f) section 155 (incest);

(g) section 159 (anal intercourse);

(h) subsection 160(3) (bestiality in the presence of a person under 14 or inciting a person under 14 to commit bestiality);

(i) paragraph 163(1)(a) (obscene materials);

(j) paragraph 163(2)(a) (obscene materials);

(k) section 163.1 (child pornography);

(l) section 168 (mailing obscene matter);

(m) section 170 (parent or guardian procuring sexual activity);

(n) section 171 (householder permitting sexual activity);

(o) section 172 (corrupting children);

(p) section 173 (indecent acts);

(q) subsection 212(2) (living on avails of prostitution of a person under 18);

(r) subsection 212(2.1) (living on avails of prostitution of a person under 18);

(s) subsection 212(4) (obtain, or attempt to obtain, sexual services of a person under 18);

(t) section 271 (sexual assault);

(u) subsection 272(1) and paragraph 272(2)(a) (sexual assault with firearm);

(v) subsection 272(1) and paragraph 272(2)(b) (sexual assault other than with firearm);

(w) section 273 (aggravated sexual assault);

(x) paragraph 273.3(1)(a) (removal of child under 14 from Canada for purposes of listed offences);

(y) paragraph 273.3(1)(b) (removal of child 14 or more but under 18 from Canada for purpose of listed offences);

(z) paragraph 273.3(1)(c) (removal of child under 18 from Canada for purposes of listed offences);

(z.1) section 280 (abduction of a person under 16);

(z.2) section 281 (abduction of a person under 14);

(z.3) paragraph 348(1)(a) with respect to breaking and entering a place with intent to commit in that place an indictable offence listed in this schedule;

(z.4) paragraph 348(1)(b) with respect to breaking and entering a place and committing in that place an indictable offence listed in this schedule;

(z.5) subsection 372(2) (indecent phone calls); and

(z.6) section 463 with respect to an attempt to commit an offence listed in this section or with respect to being an accessory after the fact to the commission of an offence listed in this schedule.

2. Offences under the following provisions of the *Criminal Code*, R.S.C. 1970, c. C-34, as that Act read before January 1988:

(a) subsection 146(1) (sexual intercourse with a female under 14);

(b) subsection 146(2) (sexual intercourse with a female 14 or more but under 16);

(c) section 151 (seduction of a female 16 or more but under 18);

(d) section 153 (sexual intercourse with stepdaughter, etc., or female employee);

(e) section 155 (buggery or bestiality);

(f) section 157 (gross indecency);

(g) section 166 (parent or guardian procuring defilement); and

(h) section 167 (householder permitting defilement).

3. Offences under the following provisions of the *Criminal Code*, R.S.C. 1970, c. C-34, as that Act read before January 1983:

(a) section 144 (rape);

(b) section 145 (attempt to commit rape);

(c) section 149 (indecent assault on female);

(d) section 156 (indecent assault on male);

(e) section 245 (common assault); and

(f) subsection 246(1) (assault with intent to commit an indictable offence)."

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker: When shall this report be taken into consideration, honourable senators?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That, when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, December 1, 1999, at 1:30 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

LIBRARY OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE STANDING JOINT COMMITTEE TO MEET WHILE THE SENATE IS SITTING

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, December 1, 1999, I will move:

That the Standing Joint Committee on the Library of Parliament have power to sit during sittings and adjournments of the Senate; and

That a message be sent to the House of Commons to acquaint that House thereof.

[Later]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION ON SECURITY AND CO-OPERATION IN EUROPE—
EIGHTH ANNUAL MEETING OF PARLIAMENTARY ASSEMBLY,
ST. PETERSBURG, RUSSIA—
REPORT OF CANADIAN DELEGATION TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association which represented Canada at the eighth annual meeting of the Parliamentary Assembly of the Organization on Security and Co-operation in Europe, held in St. Petersburg, Russia, from July 6 to 12, 1999.

ORGANIZATION ON SECURITY AND CO-OPERATION IN EUROPE—
EIGHTH ANNUAL MEETING OF PARLIAMENTARY ASSEMBLY,
ST. PETERSBURG, RUSSIA—NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that on Thursday next, December 2, 1999, I will draw the attention of the Senate to the report of the Canadian delegation of the Canada-Europe Parliamentary Association which represented Canada at the eighth annual meeting of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe, held in St. Petersburg, Russia, from July 6 to 12, 1999.

QUESTION PERIOD

TRANSPORT

SHUTDOWN OF INTER-CANADIAN AIRLINES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. I am sure the minister, who also comes from Atlantic Canada, has taken particular note of the fact that one of our regional airline carriers is out of operation these days. That has a direct impact on not only the airports in our region but on a significant segment of the workforce.

Yesterday, the president of Inter-Canadian stated that their shutdown was directly connected to the decision of his government taken on August 13. I am wondering whether the minister would provide the government's view on that subject.

• (1420)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, unfortunately, I have not had the opportunity to read, nor did I hear, the statement made by the President of Inter-Canadian Airlines. It is my understanding that Inter-Canadian continues to have discussions with its key constituents, that is, its employees, NAVCAN, Canadian Airlines, and certain other financial stakeholders. The goal is to resolve some of the difficulties and to ensure that services will continue.

I am also informed that air service is being maintained at all points served by Inter-Canadian except the three locations where alternate options are available. This underscores the uncertain times with respect to the airline industry. It places all the more emphasis on the principles advanced by the Minister of Transport both to the House of Commons and publicly.

I should like to reiterate those principles here for honourable senators. The policy statement issued by the minister clearly

enunciated the five public policy objectives of the government, namely, protection of consumers against price gouging; continued services to small communities, which is of particular interest to the honourable senator; protection of the rights and concerns of employees; maintenance of competition insofar as that is possible; and effective Canadian control. These remain the policy objectives of the government.

SHUTDOWN OF INTER-CANADIAN AIRLINES—POSSIBILITY OF REVIEW BY TRANSPORT AND COMMUNICATIONS COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank the minister for his reply. I have taken note that he has drawn in his reply from the statement the Minister of Transport made first in Saint John, New Brunswick in late summer or early fall, in which he enunciated those five principles. The Minister of Transport also rearticulated those principles when he appeared before the Standing Senate Committee on Transport and Communications and when he appeared before the House of Commons Standing Committee on Transport.

That seems to be the cornerstone of the government's response to the Inter-Canadian disruption, which is real. On August 13, the disruption or emergency was only an apprehended one that led the government to invoke the extraordinary power set out in section 47 of the Transportation Act.

My question, then, is to the minister in the absence of the Chair of the Standing Senate Committee on Transport and Communications. Since this is a matter of great urgency, one which rests upon the government's five principles as stated before the Standing Senate Committee on Transport and Communications, does the minister not think that our Transport Committee should be meeting this week?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I recognize the concern implicit in the honourable senator's question. However, I think his question is more properly directed to the chair of the committee. I do not wish to usurp the authority of the committee on that subject.

Senator Kinsella: Honourable senators, I would have addressed my question to the chair of the committee. Indeed, out of courtesy I attempted to reach the senator but was advised that she would not be in town all week.

Atlantic Canada and other parts of Eastern Canada are experiencing a disruption in regional air service. It is real. It is not something that is theoretically being apprehended, which was the decision of the government when it invoked section 47. The order was referred to the committee. I was present at some of the meetings of the committee when it considered the five principles enunciated by the minister. Does the minister not think that some measure ought to be taken so that our Transport Committee can meet this week?

Senator Boudreau: Honourable senators, I know that the minister is very aware of the situation. In fact, he continues to monitor it closely. It is our belief that no serious disruption will occur in any of the locations served by Inter-Canadian Airlines. In some areas, unfortunately, Inter-Canadian's lack of service has had no real impact at all, which is the case in Sydney where they had already withdrawn all service prior to today.

The honourable senator's question is a significant one. The minister continues to monitor the situation. I shall certainly convey the honourable senator's concern to the minister and, at the first opportunity, to the chair of the committee. I feel quite uncomfortable stating that a committee of the Senate should meet otherwise than on the decision of that committee and its chair.

SHUTDOWN OF INTER-CANADIAN AIRLINES—
POSSIBILITY OF GOVERNMENT ASSISTANCE

Hon. Donald H. Oliver: Honourable senators, my questions are not intended to duplicate those asked by the Honourable Senator Kinsella. However, they are very similar.

My question relates to the status of Inter-Canadian Inc., Canada's largest independent regional air carrier. As Senator Kinsella has already indicated, citizens in Atlantic Canada have been serviced by this regional airline. However, for the last three days hundreds and hundreds of citizens have had their schedules seriously disrupted by the closure and the grounding of the company's airplanes. The company itself says that it is working on a survival plan.

Since part of their survival plan means that they need \$15 million immediately, what is the Government of Canada prepared to do to assist them in that urgent financial need at this moment?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the Government of Canada is prepared to attempt to ensure that no location is left without service. As far as I am aware, at the moment there is no location where an alternative service does not exist.

The minister has indicated that he will monitor the situation. I am sure he is in touch with the people involved at Inter-Canadian. The prudent thing in the judgment of government at this time is to monitor the situation and to ensure that alternate service is available.

Senator Oliver: Honourable senators, the honourable minister has said that, as far as he knows, there is no location in Atlantic Canada that is left without service. However, service has been seriously disrupted. Many people have had their schedules delayed and have been inconvenienced by the closure and the grounding of the airplanes.

In response to Senator Kinsella, the Leader of the Government has said that alternative options are available. Surely, that is not a

permanent solution. Can the minister please tell us what this government will do of a permanent nature to ensure that Inter-Canadian Airlines will have an opportunity to fly again soon with a permanent plan? In the past, this government has helped out Canadian Airlines, financially and otherwise. What will it do for an airline that services Atlantic Canada?

Senator Boudreau: Honourable senators, Senator Oliver has really touched on the issue and the issue of long-term solution. In fact, that is the most important matter that is occupying the Minister of Transport and the government. The permanent solution must take into account the policy objectives I indicated a short time ago.

Whether or not the permanent solution involves Inter-Canadian, or whomever, I cannot say at this time. In the meantime, we must ensure that communities are not left without service. As far as I am aware, that is the case now. There are no communities left without alternative service.

INTERGOVERNMENTAL AFFAIRS

QUEBEC—POSSIBLE CONDITIONS OF REFERENDUM— ROLE OF SENATE

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate. As the polls show, a great majority of Western Canadians support the Prime Minister's tough stand against the sovereigntists in Quebec. Even if the Bouchard government accepts the four-year truce offered by the Prime Minister, that does not preclude the need to continue laying the political and legal groundwork to deal with any future referendum.

• (1430)

Since the Prime Minister has brought this issue to the fore, does the government leader think there is any role for the Senate to contribute in a meaningful way to a calm, well-considered discussion of the future of a united Canada?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, certainly any senator has an opportunity to raise that issue in the Senate. Obviously, it is a matter of great concern to all senators. In any discussion of these particular issues, I would certainly anticipate that the views of honourable senators would be taken into account.

The Prime Minister has not indicated at the moment how he might choose to address the important issue of the clarity of the question and the issue of the majority. As of today, various options remain open to him, and, as a matter of fact, timing is also an open question, as we await the response of the Premier of Quebec.

I am sure honourable senators will have an opportunity to express their views on these very important issues.

TRANSPORT

SHUTDOWN OF INTER-CANADIAN AIRLINES— RESPONSE BY GOVERNMENT

Hon. Ethel Cochrane: Honourable senators, my question is to the Leader of the Government in the Senate. Three days ago, the President of Inter-Canadian Airlines wrote a letter to the Minister of Transport. That letter said, in part:

This is to inform you that Inter-Canadian has now reached the final desperate condition that we have been openly warning you about for many months.

Ever since the summer, when the question of the takeover of Air Canada by Onex Corporation arose, the attention of the government has been concentrated on the future of the two major airlines. Why has the government ignored the concerns of the regional airlines and their passengers during this process? Why has this not been of concern to the government, when the president of Inter-Canadian warned the Minister of Transport months ago that this merger process of the major airlines would have serious effects on regional carriers and their passengers?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, service to all Canadians has always been and will remain a central issue in the deliberations of both the Minister of Transport and the government. How it may impact on the particular fortunes of a certain carrier at a given point in time is another question. However, it remains a central feature of government policy that service to all areas of Canada should be maintained, including service to the small communities that Inter-Canadian serves.

I cannot comment on the views or actions of the president of this company. However, I can comment on the position of the government, and I am confident that the principle of service to small communities will be maintained as a central feature of government policy.

SHUTDOWN OF INTER-CANADIAN AIRLINES— EFFECT ON SMALL COMMUNITIES

Hon. Ethel Cochrane: There has been some concern in the past two days about the substantial loss of jobs at Inter-Canadian Airlines. However, the loss of jobs goes well beyond the 800 or 900 employees of that airline. There are also many workers who service the airplanes at the airports out of which Inter-Canadian flies. Their jobs are also on the line.

I know, for example, that as of Sunday, the day before yesterday, there were layoffs of ground personnel at my airport in Stephenville, Newfoundland. I also wish to tell you that there has been no service as of twelve o'clock Saturday night between my airport in Stephenville and the mainland of Canada.

Has the government considered the domino effect here and the potentially serious impact that it could have on these small communities in Atlantic Canada, Quebec and elsewhere?

Hon. J. Bernard Boudreau (Leader of the Government): On the specific issue of service to Stephenville, the honourable senator indicates there has been no air service out of Stephenville by Air Canada or Air Nova.

Senator Cochrane: That is correct.

Senator Boudreau: That is not the information that I have in my briefing note. However, I shall certainly convey the information to the minister and ask that he provide more detailed information on the matter.

Senator Kinsella: Check out the northeastern part of New Brunswick as well.

HERITAGE

POSSIBLE DELAY IN BUILDING NEW WAR MUSEUM

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate in relation to the Canadian War Museum. The Honourable Bernie Danson, Chair of the War Museum, a veteran, a Privy Councillor, a former minister of defence, has been working very hard to try to persuade the government to consider supporting the building of a new museum. If you go to the museum or out to Vimy House, both of which are bursting at the seams, you realize how desperate they are for a new museum. It was suggested that one would be built in Rockcliffe, adjacent to the National Aviation Museum.

Is the government seriously considering supporting the development of a new museum, or is the government simply paying lip service to the subject?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the government is seriously considering such support. As a matter of fact, the government has committed to making the 20-acre Rockcliffe site available to the museum. As the project progresses, additional funds will be required from other sources, including private funds. The government will continue to be involved, and I wish to emphasize once again that the site has been committed.

Senator Atkins: Some of us feel that the government should make the full commitment, as it is so important to the history of this country, but rumours suggest that they have put it on the back burner because there is now consideration of turning the former U.S. embassy building on Wellington Street into a national portrait gallery; apparently that has become a greater priority than building the new Canadian War Museum.

Senator Boudreau: I am not aware, honourable senators, of any decision to put the project on the back burner. I have provided honourable senators with the most updated information I have. Sources of funding are being investigated within government, as well as from the private sector. I undertake to make an inquiry, but I do not have any information regarding the subject raised by Senator Atkins.

Senator Atkins: Perhaps the minister could confirm that. Rumours also indicate that Mr. Danson is so upset that he is ready to resign from the Canadian War Museum because of the position of the government.

Senator Boudreau: Again, honourable senators, I do not have information on that subject. However, I shall certainly raise the honourable senator's concerns with the minister.

FUNDING FOR NEW WAR MUSEUM

Hon. Lowell Murray: Is it a fact that government funding for a new war museum is contingent upon obtaining private funding? Whatever can be the justification for such a policy?

• (1440)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, my understanding is that there was an expectation that private funding would be involved, though I am not certain about the extent of such funding. There was an expectation that there would be private fundraising as well.

Senator Murray: The minister will know that there are other national museums, for example, the Museum of Civilization, the National Art Gallery, and so on. Is the minister able to tell us of any case in the past where federal funding for the construction and operation of those national museums was made contingent upon raising private funds?

Senator Boudreau: Honourable senators, I can certainly think of examples involving where federal funding participated with private sector funding to bring very worthwhile projects into being. Whether or not we are speaking about national museums, I could not say at this point.

Hon. Michael A. Meighen: Honourable senators, surely the Leader of the Government in the Senate recognizes that the preferable practice and the better way of doing things is for government, in such a case as the National War Museum, to take the lead. Private funding would then come in afterwards, not the reverse. Is that the understanding of the Leader of the Government, or is it the reverse?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the government has committed the Rockcliffe site to the project and they have done that upfront, and that is not a small contribution. Other sources of revenue within government are being examined. It is hoped that the project will come together at a time in the near future.

Senator Meighen: Would the Leader of the Government provide his opinion as to whether the better practice is to begin with a financial commitment from the government, as opposed to land, which would then ensure private funding; or does the minister believe that it is better to start with private funding in the hopes that government will follow?

Senator Boudreau: The honourable senator seeks my personal opinion. I must tell him that I have no experience in fundraising in such a major way as would be required in this case. However, it is in the interests of all parties that it stand a reasonable chance of success.

ELECTIONS CANADA

MANITOBA—LOSS OF CONFIDENTIAL DATA

Hon. Mira Spivak: Honourable senators, according to today's *Globe and Mail*, the privacy of 675,000 Manitobans — that is, every driver in the province — was breached in January when an Elections Canada official mislaid a tape containing confidential data. That tape contained names, addresses, birthdays, genders and driver's licences. This private information is valuable to legitimate businesses and to criminal operations. We are told that it is likely in a landfill site and that Elections Canada has put in place measures to ensure that a similar incident never happens again. It is also clear that a fundamental principle of privacy protection has been violated, namely, the principle of consent. Data collected for one purpose should never be used for another purpose without the consent of the individual who originally supplied the information. Some Manitobans were not given the opportunity to consent by either level of government.

I have two questions for the Leader of the Government in the Senate. First, will the government apologize to the people of Manitoba for this unfortunate incident? Second, will the government adjust its cavalier attitude and adhere to the basic principle of consent — both in the information it receives from other governments and any other information it may send to them?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the incident mentioned by the honourable senator was truly an unfortunate incident and certainly not trivial. The information was on a tape containing personal data from the Manitoba division of driver and vehicle licensing. Elections Canada had the tape and acknowledged that it was discarded in the waste container and was not recovered. This tape contained information such as the names, addresses, dates of birth, genders and licence numbers of individuals.

Elections Canada has accepted full responsibility for the loss, and I have no difficulty in extending an apology on behalf of the government to all those who were affected. Immediately following the incident, Elections Canada reported the loss to the provincial officials who had forwarded the original information. An investigation was commenced immediately. Subsequently they brought in an external auditor to audit their security processes and then implemented the auditor's recommended changes. Regrettably, this incident did occur; hopefully, there will be no repetition.

TRANSFER OF PERSONAL DATA—PRINCIPLE OF CONSENT

Hon. Mira Spivak: Honourable senators, I certainly appreciate the honourable leader offering an apology. That will be most appreciated. However, I do not know if I received a complete answer to the question on principle of consent. If that answer is not available to the leader today, I would appreciate a delayed answer on the government's policy on this very basic principle.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am not completely certain I understand the nature of the follow-up question. Perhaps I could prevail upon the honourable senator to repeat her concern.

Senator Spivak: I understand that data which is collected for one purpose should not be used for another purpose without the consent of the individual. There is a tremendous amount of information, as we are hearing in another forum, given to government and to other agencies. For example, businesses sell lists without people's consent. This is becoming a particular problem. It is highlighted by this incident, which I understand was an accident. Nevertheless, this points to the necessity for clarification of what I think is an extremely important principle.

Senator Boudreau: I wish to thank the honourable senator for clarifying the question. I understand the point that is being made. I shall attempt to obtain a specific statement on that policy and convey it to the honourable senator.

MANITOBA—LOSS OF CONFIDENTIAL DATA—
PROCEDURES FOR SECURITY OF PERSONAL DATA

Hon. A. Raynell Andreychuk: Honourable senators, when the legislation for the Canada Elections Act was before the Senate, some of us questioned these very provisions, namely, how secure our personal information will be and whether or not there will be sufficient procedures in place. We were assured, by both the Government of Canada and Elections Canada, that this kind of thing could not happen.

I find it curious that both the leader and Elections Canada are saying that Elections Canada is now putting in place procedures so that such incidents will not happen again. Is that, therefore, an indication that there were no such procedures and double checks on the system in place from the time the Elections Act was passed until now?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I would not want my honourable colleague to draw that conclusion. However, recommendations were made for additional measures and those measures were implemented. A huge amount of information is transferred to Elections Canada and, thank goodness, an incident such as this one is rare. In fact, it draws our attention because it is so rare.

One can be assured that the measures have been strengthened. No matter what measures are put in place, I do not know if I

would be so bold as to say that at no point in the future would information be released in a way that was not intended. However, I am advised and assured that the measures are now being strengthened, and I hope they will prevent the recurrence of such an event.

Senator Andreychuk: Honourable senators, as a result of this very serious breach, would it not be appropriate to have some watchdog facility, organization or procedure in place that would ensure that it does not happen again? We received all these assurances before and it seems that the matter was transferred rather cavalierly, using new technologies. My confidence is shaken because, in the legislative process, particularly with regard to confidentiality, most of us wanted the system to work and cooperated to that end. Is it not now time to have some external scrutiny to ensure that the procedures are in place?

• (1450)

Senator Boudreau: Honourable senators, in this particular instance the Province of Manitoba was advised almost immediately and made aware of the process that was taking place. I am also informed that the Privacy Commissioner was kept informed throughout, endorsed the changes that were made, and was at least content that all reasonable measures have now been taken to ensure that a similar incident would not occur again.

FISHERIES AND OCEANS

MARITIME PROVINCES—SUPREME COURT DECISION
UPHOLDING NATIVE FISHING RIGHTS—
FUND TO PURCHASE ABORIGINAL LICENSES

Hon. Gerald J. Comeau: Honourable senators, on November 4, I asked the minister if he had details of the proposal to set \$500 million aside to fund the purchase of licences for aboriginal fishermen in Atlantic Canada. At that time, the minister was not able to provide details. He will recall that the question was in relation to the *Marshall* decision by the Supreme Court.

Is the minister able to provide further details today? If not, could he seek details on this matter from the pertinent department?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am not in a position to give the honourable senator any greater detail today than I did on the previous day on which he raised the matter. I will certainly have discussions on this issue with the Minister of Fisheries.

Senator Comeau: Honourable senators, the minister should be aware that this is no trivial matter in Atlantic Canada, especially in Nova Scotia, in the wake of the breakdown of the deal that was reached between the fishermen and the native community.

Obviously, this will have a great impact on the future of coastal communities, and I think the minister should attach a great amount of importance to the situation. It impacts on all of Canada, especially the area with which the minister is most familiar. He should exert some pressure to resolve this issue.

Senator Boudreau: Honourable senators, I accept that this is a matter of great import, and it will be very much front and centre for some time. It is important that all Canadians understand that the solutions brought to bear on this very significant issue must be solutions which are participated in and paid for, in the broad sense, by all Canadians, not only by the fishermen in Nova Scotia and New Brunswick.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have delayed answers to questions asked in the Senate on November 16, 1999, by Senator Kinsella, Senator Rivest and Senator Bolduc, regarding the Canadian Security Intelligence Service; the loss of classified documents, and the review by the Security Intelligence Review Committee.

[English]

I also have a response to a question raised in the Senate on November 18, 1999 by the Honourable Senator Spivak regarding the North American Free Trade Agreement, suit by California company over loss of contract for bulk water.

SOLICITOR GENERAL

CANADIAN SECURITY INTELLIGENCE SERVICE—LOSS OF CLASSIFIED DOCUMENTS—REVIEW BY SECURITY INTELLIGENCE REVIEW COMMITTEE

(Response to questions raised by Hon. Noël A. Kinsella, Hon. Jean-Claude Rivest and Hon. Roch Bolduc on November 16, 1999)

(Questions on the reviews and notification of SIRC:)

As the chair of the Security Intelligence Review Committee, Madame Paule Gauthier, said in recent press interviews, neither the Solicitor General nor the Director of CSIS is required to notify her of all such incidents.

CSIS itself has been conducting an internal security investigation and the Inspector General for CSIS, who reports to the Solicitor General, is also doing an investigation. The SIRC has started a review on its own initiative.

Let SIRC and the Inspector General get on with their work. These are independent review mechanisms with full powers of access to CSIS information, as established by an Act of Parliament.

(Questions regarding the Prime Minister's comments)

The Prime Minister is aware that there are three reviews underway into the matter, including those by the Security Intelligence Review Committee (SIRC) and the Inspector General for CSIS.

The government is confident that these two independent review bodies, as provided for by an Act of Parliament, have full access to CSIS information, and will do their work well.

It is important to let them get on with their work.

(Questions regarding the classification of the document and security procedures:)

Because there are ongoing investigations and review, it would be inappropriate to comment on the exact nature of the missing documents, or the handling procedures for documents of this nature.

The Director of CSIS has provided assurances that all necessary steps are being taken to ensure strict adherence to established security policies.

Again, let the SIRC and the Inspector General for CSIS get on with their independent reviews.

(Questions regarding the CSIS Director)

The government has confidence in the Director's abilities and again, I would urge my colleagues to let both CSIS itself, and the external review mechanisms of SIRC and the Inspector General, get on with their review.

Parliamentary Committees are free to invite any witness they deem appropriate.

INTERNATIONAL TRADE

NORTH AMERICA FREE TRADE AGREEMENT—SUIT BY CALIFORNIA COMPANY OVER LOSS OF CONTRACT FOR BULK WATER—GOVERNMENT POSITION

(Response to question raised by Hon. Mira Spivak on November 18, 1999)

The MMT case did not set a precedent for the government's response to any other NAFTA Chapter 11 case. Each case is considered on its own merits.

With respect to MMT, Canada faced three legal challengers opposing its legislation relating to interprovincial trade and importation of MMT: a) Alberta under the Agreement on Internal Trade; b) Ethyl Canada in the Ontario courts; and c) Ethyl Corporation under NAFTA chapter 11.

The panel established under the Agreement on Internal Trade (AIT) reported before the other legal challenges reached the report stage. It found the MMT measure on interprovincial trade to be inconsistent with the objectives of the agreement. To bring the legislation into conformity with the AIT panel ruling, Canada removed MMT from the list of chemicals subject to the ban on interprovincial trade and importation. This also allowed Canada to settle with Ethyl Corporation.

The MMT NAFTA case had not moved beyond jurisdictional arguments, and no final award was issued. The NAFTA tribunal did not make any interpretations of the main obligations under that chapter. In that sense also, no precedent was established.

Sun Belt Water Inc. (Sun Belt), of California submitted a "Notice of Intent to Submit a Claim to Arbitration" last year, pursuant to the investor-state dispute settlement provisions of NAFTA Chapter 11. The submission of this document did not start formal NAFTA arbitration; NAFTA arbitration can only be started with the submission of a Notice of Arbitration.

On two separate occasions, most recently in November 1999, Sun Belt has attempted to initiate an arbitration by serving a Notice of Arbitration on Canada. However, both documents did not meet the procedural requirements of NAFTA Chapter 11, and accordingly, Canada informed Sun Belt that in the view of Canada, no arbitration under Chapter 11 had started.

Our position is that no NAFTA Chapter 11 arbitration begins unless Sun Belt submits a valid Notice of Arbitration.

In the documents submitted to date, Sun Belt alleges that British Columbia, from 1989 to the present, took various "measures" contrary to NAFTA Chapter 11 claim, including the issuance of bulk water export licences in 1989, and the conduct of the Attorney General in legal action starting in January 1993. The alleged NAFTA breaches by Canada include National Treatment (Article 1102), Minimum Standard of Treatment (Article 1105) and Expropriation without Compensation (Article 1110). BC's 1991 moratorium and regulations prohibiting the export of bulk water are alleged to be in breach of international law, but no direct reference is made to breaches of NAFTA.

Canada continues to seek increased transparency in the investor-state dispute proceedings. Wherever possible, Canada will encourage openness in these proceedings and ask the claimant to do the same.

Canada has every intention to vigorously defend the claim brought against it by Sun Belt under NAFTA Chapter 11, if it is properly submitted to arbitration.

In the DESONA case, a Chapter 11 tribunal recently found completely in favour of Mexico, concluding that Mexico did not breach any of its Chapter 11 obligations in this case.

This is the first time a NAFTA Chapter 11 investor-state tribunal has made a final award.

In its findings, the tribunal placed clear limitations on the interpretations of Chapter 11 investment obligations which were raised in the case. The award shows that NAFTA Chapter 11 obligations are not open ended and that there are limits to their scope.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kroft, seconded by the Honourable Senator Furey, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Second Session of the Thirty-sixth Parliament.—(5th day of resuming debate)

Hon. Douglas Roche: Honourable senators, some 80 years ago there was inscribed in the Peace Tower, that magnificent symbol of peace which gives world-renowned character to Canada's Parliament, the words from Proverbs: "Where there is no vision, the people perish."

As we prepare to move into a new century and a new millennium, we should think deeply about this scriptural admonition. What is our vision? What do we see for Canada; a bounteous land blessed with space, industry, resources, technological advancement, and immense human energies? How do we see Canada related to the world at this pivotal moment in world history where human beings have in their power the means to fashion human security for everyone on God's planet?

The advent of the new century cries out for us to focus our attention not just upon ourselves in this blessed country but on the whole world community that has been made by the marvels of technology.

The vision I offer the Senate in this Throne Speech debate is a culture of peace. This is not just a dream, but a practicality. Much work is being done already to develop a culture of peace. However, we in Canada need to do much more.

When we look at the world as a whole, we should be startled and ashamed of the huge amount of suffering tolerated by the political systems of the world. The 20th century was the bloodiest century in the history of humanity, with more than 110 million people killed in wars, three times as many as all the war deaths in all the previous centuries from the first century AD. While wars are being fought, consuming vast amounts of resources, the world's poorest people are falling farther behind. Sixty countries have been getting steadily poorer since 1980. Housing, health, and education services are desperately needed throughout the world.

• (15:00)

Although we in Canada are blessed beyond belief by world standards, we have no reason to be smug or complacent. In the past ten years, the number of poor people in Canada has risen from 3.7 million to more than 5 million, which is 18 per cent of the population. More than 1.5 million children, which is one in five of all the children in the country, live in poverty. Homelessness has been called a national disaster by the mayors of Canada's ten largest cities. Across Canada, governments have slashed social, health and education funding. Government deficits have been reduced on the backs of the poor.

In the 1990s, Canada's Official Development Assistance programs were cut 37 per cent, yet our military spending today is only 19 per cent lower than in the peak years of spending during the Cold War. Canada spent \$690 million participating in the Gulf War and \$18 million just for the bombs that were dropped on Kosovo and Serbia last spring.

Gross disparities and misplaced priorities at home and abroad are staring us in the face. Social justice in a world of plenty seems farther off than ever. We fight wars that should not be fought. The major powers maintain nuclear weapons that constantly endanger humanity. Governments of the world spend money on excessive militarism at the expense of the poor.

In brief, government priorities for military spending are wildly disproportionate to expenditures on economic and social development at a time when the lack of development is now recognized as the most acute security threat facing the least developed states. A double standard of immense proportions prevails in which governments in one breath plead an inability to fund social needs because of deficits and in the next breath appropriate huge sums for warfare and its preparation. The very year following the 1990 Children's Summit, which amounted to rhetoric and little cash, government suddenly found \$60 billion to prosecute the Gulf War.

So powerful is the arms industry and so all-pervading its influence that it has seeped into nearly every aspect of Western society. Western countries spend \$483 billion annually on

defence but only \$48 billion on Official Development Assistance, which is supposed to lift up the human security needs of the most destabilized areas of the world. Even this small amount of aid money is questioned, but the military appropriations go through the governmental processes unchallenged. The reality is that sustainable economic development could remove many pre-war tensions. That should be the lesson we take from the 1990s.

There are times when the use of force may be legitimate in the pursuit of peace; however, unless the Security Council is restored to its preeminent position as the sole source of legitimacy on the use of force, the world is on a dangerous path to anarchy. NATO cannot be permitted to determine by itself when force will be used, yet the NATO 50th Anniversary Summit, occurring shortly after the Kosovo bombing began, took a deliberate decision to set itself up as the arbiter on when it would use force. NATO's excessive arrogance is now reinforcing inequality and distrust. The Russians and the Chinese will never accept a NATO-dominated world.

Already the consequences of the Kosovo War have spread far beyond the human toll. The hopes for a cooperative global security system have been dashed on the rocks of power. The trust engendered during the supposed end to the Cold War is now shattered. Russia and China are reasserting nuclear-weapon strength as a result of the Kosovo crisis and the intention of the United States to develop a ballistic missile defence system. In fact, the whole non-proliferation regime is under siege today. A new nuclear arms race is certain, unless Washington, Moscow and Beijing can quickly put collaborative efforts back on track.

The world is staring into an abyss of nuclear weapons, as India and Pakistan have vividly demonstrated. The danger of nuclear weapons is growing. The recognition of that should galvanise intelligent and committed people in both government and civil society to action. Canada can no longer avoid decisive action with abstention votes at the United Nations, as was done on this year's New Agenda resolution calling for an unequivocal undertaking by the nuclear weapon states to commence negotiations on the elimination of nuclear weapons.

Like the Kosovo War, nuclear weapons are about the rule of law. How will international law be imposed in the years ahead? Will it be by the militarily powerful determining what the law should be, or by a collective world effort reposing the seat of law in the United Nations system? That is the fundamental question Canada faces as we begin the new millennium.

Honourable senators, although the facts I presented are grim, I want to face the new millennium with hope. My own hope lies in the blossoming of intelligence about ourselves as a human community in a world that is interconnected in every sphere of activity. Despite the news of wars, hunger, homelessness and disease affecting millions, the world is, in fact, moving toward a new, more participatory, people-centred way of conducting international affairs. The potential power of this movement can create the conditions for a culture of peace.

It is often said that war is inevitable, is part of our human nature, and that people have been fighting throughout history. That is a superficial analysis. Human beings are not genetically programmed for war. There is no inherent biological component of our nature that produces violence. UNESCO points out that war begins in our minds; so, too, must the new idea begin in our minds: that peace is absolutely necessary in a technological age of mass destruction.

The present pessimism must be lifted by the recognition that war is not inevitable. Violence, on the scale of what we have seen in Iraq, Bosnia, Rwanda, Somalia, Kosovo and elsewhere, does not emerge inexorably from human interaction. Because the hatred and incitement to violence fostered by social and economic inequality, combined with a readily available supply of deadly weapons, are so evident, it is essential and urgent to find ways to prevent disputes from turning massively violent. The real problem here is not that we do not know about incipient and large-scale violence; it is that we often do not know how to act. Either we ignore mass killings if the area concerned is not central to our interests, or, as in the case of Kosovo, we unleash a rain of destruction in the name of saving humanity.

Examples from hot spots around the world illustrate that the potential for violence can be diffused through the early, skillful and integrated application of political, diplomatic, economic and military measures. Although terrible suffering occurred, it is a fact that warring parties have put down their arms in El Salvador, Namibia, Mozambique, South Africa, Guatemala and the Philippines. The peace accords in Northern Ireland and the Middle East, though precarious, illustrate that the human desire for peace can overcome histories of conflict. Since 1945, the UN has actually negotiated 172 peaceful settlements that have ended regional conflicts, including an end to the war between Iran and Iraq and a withdrawal of Soviet troops from Afghanistan.

These lessons have taught us that violence and war are not inevitable. An unavoidable clash of civilizations is not our fate. War and mass violence usually result from deliberate political decisions. Rather than intervening in violent conflicts after they have erupted and then engaging in post-conflict peace-building, it is more humane and efficient to prevent such violence in the first place by addressing its roots. That is the essence of a "culture of peace" approach.

The continuing work of UNESCO in promoting knowledge of a culture of peace is inspiring. Responding to a request by the UN General Assembly to develop the concept of a culture of peace as an integral approach to preventing violence and armed conflicts, UNESCO succeeded in defining norms, values, and aims of peace.

• (1510)

A culture of peace is the set of values, attitudes, traditions, modes of behaviour, and ways of life that reflect and inspire respect for life and for all human rights. It involves the rejection

of violence in all its forms, and commitment to the prevention of violent conflicts by tackling their root causes through dialogue and negotiation.

A peace consciousness does not appear overnight. It is evident that constructing a culture of peace requires comprehensive educational, social and civic action. It addresses people of all ages. An open-minded global strategy is required to make a culture of peace take root in people's hearts and minds.

The UN General Assembly has helped to foster this ethical transformation by proclaiming the year 2000 as the International Year for the Culture of Peace. Mobilizing public opinion and developing new education programs at all levels are essential to promoting humanity's rejection of war. Instead of planning to fight wars, Canada should put its full strength behind the efforts of UN Secretary-General Kofi Annan, who recently stressed the need for a culture of peace in these words:

It may seem sometimes as if a culture of peace does not stand a chance against the culture of war, the culture of violence and the cultures of impunity and intolerance. Peace may indeed be a complex challenge, dependent on action in many fields and even a bit of luck from time to time. It may be a painfully slow process, and fragile and imperfect when it is achieved. But peace is in our hands. We can do it.

Honourable senators, these ideas were powerfully expressed at the 1999 Hague Appeal for Peace last May, where 7,000 people of 100 nationalities gathered for a four-day jamboree of seminars, exhibits, concerts, and a general outpouring of human yearning for peace.

To build a culture for peace, Canada must develop and extend policies that promote human security, new coalitions and negotiations, the rule of law, initiatives at peacemaking, democratic decision-making, and humanitarian intervention mandated by the Security Council. Finally, there must be a reversal of present global policies in which billions of dollars are spent on arms and militarization while worthwhile development initiatives and programs for peace and human security are starved for lack of funds.

Honourable senators, a culture of peace is not only possible, it is essential. Without the vision of a culture of peace, millions upon millions will perish in the dangerous era ahead.

Can Canada work to ensure the primacy of the United Nations in resolving conflict? We can and we must.

Can Canada work with like-minded states to urge the nuclear-weapons countries to start comprehensive negotiations to eliminate nuclear weapons? We can and we must.

Can Canada give a higher priority to economic and social development at home and abroad than to military spending to fight wars? We can and we must.

Let us, above all, not lose faith in ourselves and turn inward as if this new world challenge is no business of Canada's. The principal mandate of the United Nations — to save succeeding generations from the scourge of war — should be a central concern to the Government of Canada. The vision of a culture of peace can give us renewed strength as we enter the new millennium.

Hon. Jeremiah S. Grafstein: Honourable senators, would Senator Roche entertain a question?

Senator Roche: Certainly.

Senator Grafstein: Senator Roche and I have dealt with this matter in the past. However, I am always interested in what the honourable senator has to say, particularly about the role of the United Nations. In recent days, the Secretary-General has condemned the United Nations for its failure with respect to Srebrenica. A number of other observers have said the same thing, that the United Nations failed in light of what went on in Srebrenica. Just to recount it briefly, the United Nations established a safe haven in Srebrenica, only to watch innocent victims who had fled to the white flag of the United Nations be slaughtered there. Secretary-General Annan has said that that was a failure of the United Nations.

How does one reconcile the honourable senator's views with respect to the role of the United Nations as a generic and peace-loving umbrella when, once it is confronted with evil and stands to oppose it, it finds itself frustrated, impotent and hopeless?

The Hon. the Speaker pro tempore: Honourable Senator Roche, I am sorry to interrupt you but I must remind you that the time allocated for your intervention is terminated. Are you asking permission to continue?

Senator Roche: Yes, I ask permission to continue.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Roche: Thank you, honourable senators.

Senator Grafstein has given a pretty tough critique of the United Nations. I hope he will not mind my saying that it was less than complete. I never said it was a perfect institution, any more than I would say the Government of Canada is a perfect institution. However, it is certainly eminently worth supporting the policies that try to build conditions for peace, and that is exactly what the United Nations has been trying to do. I will only give one example. The Government of Canada has supported the building of a permanent police force to be mobilized in situations of conflict to save lives. Because of the opposition of the major

powers, the United Nations has not yet accepted nor implemented such a force.

I believe that, as we move into the next century, we should restore the primacy of the United Nations and not allow regional associations, even if they are important associations such as NATO, to supersede the authority of the United Nations as the prime legal guarantee of peace and security in the world. That is where we ought to keep our focus.

On motion of Senator Atkins, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Privileges, Standing Rules and Orders (Moravian Church in America), presented in the Senate on November 24, 1999.—(*Honourable Senator Austin, P.C.*)

Hon. Jack Austin: Honourable senators, I move the adoption of this report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

THIRD REPORT OF COMMITTEE—ORDER STANDS

On the Order:

Consideration of the third report of the Standing Committee on Privileges, Standing Rules and Orders (Senator Kinsella's Question of Privilege), presented in the Senate on November 24, 1999.—(*Honourable Senator Austin, P.C.*)

Hon. Jack Austin: Honourable senators, with leave, I would like to give a short explanation and not move the adoption of the report at this time.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Austin: Honourable senators, I am concerned about the availability of full and corroborative evidence in this matter. The matter may, however, be settled if the witnesses are prepared to proceed in public, as opposed to *in camera*. I am making inquiries to that effect and, rather than have a discussion about a definition of when *in camera* should be applied by the house, I should prefer to have this item stand until tomorrow.

• (1520)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I would like to ask that the chairman of the committee take into consideration, as he is looking at other information, the fact that many of us are of the view that, as a general principle, all proceedings in the Parliament of Canada should be open to the public. From time to time, we recognize that there are certain matters which arise which should be dealt with *in camera*. Indeed, the consideration by a committee of a draft report is one such instance.

The matter before the committee is a question of parliamentary privilege. It seems to me that this matter speaks to the heart of this institution. Therefore, I urge the committee to discuss it in public and not *in camera*.

To the extent that this particular question of privilege surrounds circumstances in which a job action was undertaken, and that perhaps there are concerns to that extent in the minds of the chair and members of the committee, I remind honourable senators that, under labour law, arbitration matters are not held *in camera* but, indeed, in public.

Finally, to the extent that I am the member of this house who raised the question of privilege and to the extent that the committee would want my participation, I would find it very difficult to appear before the committee *in camera*. That is a principle under which I operate.

I would urge the committee to consider all these matters.

Senator Austin: Honourable senators, I recognize the principles to which Senator Kinsella has just spoken. I believe the onus is on the chairman of the committee to show this chamber why an *in camera* proceeding should be held. As Senator Kinsella knows, there are provisions in court proceedings to protect witnesses from prejudice, to protect witnesses from identification and there are good reasons of public policy so to do. Those reasons may or may not apply here. Rather than make the argument and endeavour to shift the onus in favour of an *in camera* hearing, I prefer to identify the facts more clearly and the wishes of the witnesses and then return.

Order stands.

The Senate adjourned until Wednesday, December 1, 1999 at 1:30 p.m.

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